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USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

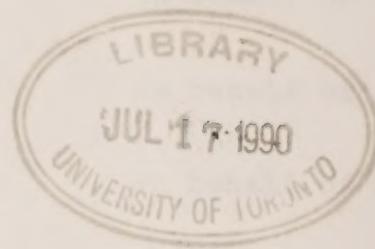
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, APRIL 6, 1989

VOLUME 34

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
A. PRATT	on behalf of Charles Francis
MR. R. McMURTRY MS. G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN	on behalf of Ben Johnson
MR. SOOKRAM MR. LEVINE	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. PREFONTAINE	on behalf of the Government of Canada
MR. STEINICKE	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
MR. MANN	on behalf of the Canadian Olympic Association
MR. R. SULLIVAN	on behalf of Mr. Ross Earl

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--- Upon commencing.

THE COMMISSIONER: Mr. Futterman.

MR. FUTTERMAN: Thank you, Mr.
Commissioner.

5

ANDREW AUSTIN MOWATT: Recalled

--- EXAMINATION BY MR. FUTTERMAN:

Q. I am Ed Futterman, I represent Ben Johnson, Mr. Mowatt.

10

Mr. Mowatt, yesterday you talked about the incident involving Ben Johnson when you were watching television in the apartment when Ben came in and you gave him that shot?

A. Yes.

15

Q. Do you recall that?

A. Yes.

20

Q. Mr. Mowatt, did you discuss that with any of your friends after it happened? Did you boast about that to some of your friends and say Ben Johnson came in and I gave him a shot?

A. I have told a few of my friends, yes.

Q. You did?

A. Yes.

25

Q. And did you tell them that other things that happened in the apartment from time to time, or was

that the only thing that you felt was important enough to discuss?

A. That was the only thing I told them about the things that happened in the apartment.

5

Q. Pardon me?

A. That was the only thing I told them about things that happened at the apartment.

Q. You were kind of proud that you were allowed to give Ben a shot?

10

A. No, I wasn't.

Q. This kind of stood out in your mind?

A. No, I wasn't proud of it. I just had mentioned it to a few people, yes.

15

Q. Other people had come in for a shot in the apartment from time to time?

A. Pardon me?

Q. You saw other people get shots in the apartment from time to time?

A. No, I never.

20

Q. That was the only time?

A. I never saw anyone get a shot in the apartment, no.

Q. You were there for how many months?

A. About two months.

25

Q. Two months. This was the only person,

the only time --

A. Yes.

Q. -- someone got a shot in your presence?

A. Yes.

5 Q. Now, you remember November of 1988 when you gave your statement to the Commission counsel or to one of the investigators on behalf of this Commission; do you remember being interviewed by them?

A. Yes.

10 Q. And they asked you about all the incidents involving your involvement with Charlie Francis; do you remember that? How you got involved with Charlie Francis, they talked to you about that?

A. Yes.

15 Q. They talked to you about Ben Johnson?

A. Yes.

Q. They talked to you about any involvement Ben Johnson may have had in respect to injections; did they talk to you about that as well?

20 A. Yes.

Q. Did you mention that incident to them at that time?

A. The first time I talked to them?

Q. Yes.

25 A. No.

Q. Why not?

A. I didn't -- didn't feel it was
necessary.

Q. I see. All right. But you knew about
5 it, but you didn't think it was necessary?

A. No, I discussed it with them at a later
date.

Q. When was that? When was the first
time you told Commission counsel about the shot that Ben
10 got in the apartment?

A. I told them that yesterday.

Q. That was the first time?

A. Yes.

Q. Was that the first time you remembered
15 about it?

A. No.

Q. I see. Did someone remind you, one of
your friends that you had --

A. No.

20 Q. -- told them about this earlier?

A. No.

Q. This came to your mind all by yourself?

A. No, I had told the College.

Q. You told the College about this?

25 A. Yes.

Q. And I suppose you told the College also about the fact --

THE COMMISSIONER: When was that, Mr. Mowatt, do you recall?

5

MR. FUTERMAN: Perhaps I can refresh his memory, Mr. Commissioner.

MR. FUTERMAN:

Q. I understand it was in February of this
10 year?

A. Yes.

THE COMMISSIONER: You told the College?

THE WITNESS: Of this year.

15

MR. FUTERMAN:

Q. At that time did you also tell the College that Ben offered to pay you money?

A. I believe so, yes.

Q. You are sure of that?

20

A. I believe so, yes.

Q. Yes. And if they are called later on to discuss the statement you gave and they say otherwise, would that indicate to you that you may be inaccurate in respect to your memory?

25

A. I believe I told them exactly what

happened.

Q. All right. Well, perhaps, we will have a chance to check and find out if that is true.

Now, you said earlier that Ben came to the
5 apartment, he didn't find Charlie there, he asked you to give him a shot, you declined. He offered to pay you some money; is that correct?

A. Yes.

Q. Did he indicate how much?

10 A. No.

Q. You didn't ask him, he offered it?

A. Yes.

Q. You said I don't want any money?

A. Yes.

15 Q. I don't want to give you a shot?

A. Yes.

Q. Then he disappeared for 15 minutes?

A. Yes, he left for a few minutes.

Q. Then he came back again?

20 A. Yes.

Q. And he offered you money again?

A. When he came back, he went in to the room and he said, he told me come on in and he said I will pay you. And I said, no, it's okay.

25 Q. You assume he went out to get some

money at that time?

A. That's what I assume. I don't know where he went. He didn't tell me where he was going.

Q. Did you tell your friends about that 5 incident in its entirety, just as you have described it?

A. Yes, some of my friends, yes.

Q. It stood out in your mind because Ben Johnson, someone you admired and looked up to, was someone that you gave a shot to?

10 A. It wasn't something I was proud of, no. I told some of my friends, yes.

Q. You told them because you were disappointed in Ben or you were proud that you gave the shot?

15 A. I wasn't proud that I gave him the shot. It's just something I did and it came up a few times.

Q. Did Ben at any time give you the slightest -- did he show the slightest concern that you 20 were in the room when he asked you for the shot? You heard earlier evidence that Ben was sensitive to other people being available or around when he received injections.

THE COMMISSIONER: Not the person that gave 25 it to him.

MR. FUTERMAN: I am sorry, Mr.
Commissioner.

THE COMMISSIONER: He wouldn't be sensitive
to the person who injected him.

5 MR. FUTERMAN: No, no, but he was concerned
about other people knowing that he was receiving --

10 THE COMMISSIONER: According to this
witness so far he is said he is the one who injected him
so he would not be ashamed of having the person who was
there injecting --

MR. FUTERMAN: That's quite fair.

THE COMMISSIONER: The question may not be
what you had in mind.

15 MR. FUTERMAN: Thank you, Mr. Commissioner.

MR. FUTERMAN:

Q. You were you were a relative newcomer
to the group?

A. Yes.

20 Q. Did Ben know you well?

A. Not exceptionally well, no.

Q. No. Did it surprise you that he would
trust you with this injection?

A. Yes.

25 Q. Did Ben give you the impression that he

thought there was anything wrong with the substance in the syringe?

A. No.

Q. At that time, did you know there was
5 anything wrong with the substance in the syringe?

A. No.

THE COMMISSIONER: I thought you told us
yesterday that you were not naive, you knew what was in
the drawer?

10 THE WITNESS: I didn't -- I wasn't told what
it was, but I had had a feeling of what it was but I was
never told exactly what it was.

THE COMMISSIONER: But you told us
yesterday that you were not naive and that you knew that
15 it was a steroid?

THE WITNESS: Well, I didn't -- no one told
me it was a steroid but I had begun to believe that's what
it was, that's why I didn't touch it myself.

20 MR. FUTERMAN:

Q. Are you saying that you never received
any injection in Charlie Francis' apartment --

A. No.

Q. -- of that substance. At that time Dr.
25 Astaphan had already left or was he giving you injections?

A. Dr. Astaphan left the apartment, you mean?

Q. No, left his office.

THE COMMISSIONER: No, not in March. This
5 is March or April.

MR. FUTERMAN: That's right, I think he was still there.

THE COMMISSIONER: He was still practicing medicine in Toronto.

10 THE WITNESS: Yes.

MR. FUTERMAN: That's my recollection.

MR. FUTERMAN:

Q. So, were you not going to his office
15 to receive injections?

A. Yes.

Q. Was he not giving you a similar substance?

A. Yes, it looked similar, yes.

20 Q. Yes. So, that the substance that Ben asked you to inject him with was similar to the substance that Dr. Astaphan was injecting you with?

A. Yes.

Q. Is that correct?

25 A. Yes.

Q. At that time, you didn't think there was anything wrong with that substance?

A. Which substance?

Q. That Dr. Astaphan was injecting you
5 with?

A. I wasn't sure what it was.

Q. At any time did Ben mention to you anabolic steroids?

A. No.

10 Q. Did at any time Ben pay you any money --

A. No.

Q. -- for receiving the shot?

A. No.

15 Q. Did you ever see Ben take any money out of his pocket?

A. No.

Q. Did he tell you how much he was offering you?

20 A. No, he didn't.

Q. Is it fair to say that in retrospect that Ben really never intended to give you any money, he was just trying to encourage you to give him the shot or the injection that he had come for?

25 A. From what I recollect, Ben offered me

money, and I said I don't -- don't worry about it, I don't want any of money.

Q. Never, never mentioned how much, you just assumed --

5

A. No.

Q. Pardon me.

A. No, he didn't mention how much.

Q. After it was done did he give you any money?

10

A. No.

Q. Did you reach into his pocket and say now that you have done it, I am going to give you some money?

A. No, because I told him no earlier.

15

Q. You are assuming that the 15 minutes he was gone he went out and got some money, I think that was your evidence yesterday.

A. That's what I thought, yes.

20

Q. Why would he do that if you have already told him you weren't going to receive any money?

A. No, no, I told him afterwards just -- no, I don't need, I don't want any money.

25

Q. But you said earlier that you told him before he left that you weren't going to take any money as well. Is that not so, Mr. Mowatt?

A. If I recollect right, I said I don't want any money --

Q. Notwithstanding --

A. No, I might have said it before or
5 after he left, but I told him that I don't want any money.

Q. My recollection, clear recollection of the evidence was, that you said before he left he offered you some money?

A. Yes.

10 Q. And you said I don't want any money --

A. Okay. Then he left.

Q. Then he left, you assumed, to get money; that's your evidence?

A. Okay.

15 Q. Is that correct?

A. Okay. That's correct.

Q. Where would he go to get money? Did he live in the apartment, did he have any friends in the apartment, to your knowledge?

20 A. I don't know.

Q. Did he come back and say I have now got the money?

A. No.

25 Q. So that you are surmising that he left to get some money? You really don't know that?

A. No, I don't know that.

THE COMMISSIONER: In fairness, that's what he said yesterday that he is surmising. He never said he knew where Mr. Johnson was going.

5 MR. FUTERMAN: No, I know that but he said he believed Ben was going to get the money.

THE COMMISSIONER: He surmised that, that's right.

10 MR. FUTERMAN: Yes. And I think that's what I am saying.

THE COMMISSIONER: Right.

MR. FUTERMAN:

Q. Is it fair to say you may be wrong
15 about that?

A. About what?

Q. About Ben's intention to get money for
you?

A. I assumed that's where he went.

20 Q. But you had no information to confirm
that?

A. No.

Q. He did not tell you he was going to get
money?

25 A. No, he didn't.

Q. So that's just what you surmise as the Commissioner has indicated?

A. Yes.

Q. You have no evidence to that?

5

A. No.

Q. He never showed you any money, he never mentioned any specification sum?

A. No.

10 Q. After you gave him the shot, he did not give you any money?

A. No.

MR. FUTERMAN: Thank you, Mr. Commissioner.

Thank you, Mr. Mowatt.

15

THE COMMISSIONER: Thank you. Any re-examination, Ms. Chown?.

MS. CHOWN: Yes, thank you, Mr.

Commissioner.

---RE-EXAMINATION BY MS. CHOWN:

20

Q. Mr. Mowatt, I have a few matters that I want to go over with you, and I would like to start with a response that you made to a question by Mr. McMurtry in which you said to him that you can't say that the word "steroid" was never mentioned between you and Ms. Thibedeau. Do you recall giving that answer?

25

A. Yes.

Q. And I now have had an opportunity to speak to Ms. Thibedeau and I want to review some matters with you as a result of my conversation with her.

5 Now, I understand as you have told us that you went to Florida to a training camp in Tallahassie in March of 1986?

A. Yes.

Q. And I understand that it was during 10 that training camp that you got to know Ms. Thibedeau better, and, in fact, began to date her?

A. Yes.

Q. When you came back from Florida at the end of March, is it not the case that at that time you had 15 some discussions with Ms. Thibedeau concerning anabolic steroids?

A. It was not the case?

Q. Is that the case?

A. Yes.

20 Q. And that Ms. Thibedeau spoke to you in March of 1986 concerning her own use of anabolic steroids; do you recall that?

A. She spoke about the use of human growth hormone.

25 Q. Did she also indicate to you that she

was receiving a substance called Estragol?

A. No.

Q. Did she use any words such as "the sauce" or "the juice" or "the white stuff" to you?

5

A. No, I had mentioned to her that what I had received from Dr. Astaphan had changed to a milky white color. And she said that she thought it was human growth hormone.

Q. And, as well, do you recall at any time 10 being present in Dr. Astaphan's office along with Ms. Thibedeau and Mr. Francis?

A. Yes.

Q. Would that be on one occasion or more than one occasion?

15

A. Several occasions.

Q. And on any or all of those occasions, was there any discussion of anabolic steroids between you, Dr. Astaphan, Ms. Thibedeau, and Mr. Francis?

20

THE COMMISSIONER: Well, the term anabolic steroids may never have been used in your language, is what you are saying, the words actually anabolic steroids or --

MS. CHOWN:

25

Q. Let me start by saying was the topic of

anabolic steroids ever discussed?

A. No.

Q. Was there any reference to such slang names such as the sauce or the juice or the white stuff?

5 A. I have heard that slang, yes, I heard that slang before from Charlie, like the sauce I think.

Q. And do you recall the use of that term in any discussions that you would have had in the presence of Dr. Astaphan and Mr. Francis and Ms. Thibedeau?

10 A. No, not in the office, not like right when I was there, that wasn't discussed.

Q. Was there any -- you are saying there was no discussion in which specific drug names were used, and there was no discussion in which slang names for anabolic steroids were used?

15 A. No.

Q. And finally I understand that the rest of the Mazda group went to a training camp in Guadeloupe in March of 1986, but you did not go on that?

20 A. Right.

Q. And after the group returned to Toronto, am I correct in understanding that at that time you had continued to have some discussions with Ms. Thibedeau about the topic of anabolic steroids?

25 A. Yes.

Q. And again would you -- what words would you have used in discussion with her in discussing that topic?

A. Asking her if she knew what was going on, like if she had any idea what was going on here, like in the group. And at that time, she would tell me that she was on either human growth hormone or she thought that's what they were giving me or vitamin B-12, or Inosine.

Q. Do you recall having any discussions with her at that time, that is sometime in late April 1986, about clearance times with a view to the competitions in Provost, Utah, that were coming up in May of 1986?

A. No.

Q. Now, when the Commissioner was asking you some questions yesterday with respect to the vials that were in Mr. Francis' apartment that you saw there in March of 1986, April or March of 1986, you indicated you were not naive enough not to know that those were steroids. Do I have your answer correct?

A. Yes.

Q. And I take it that you made that comment based on what you knew about the group, the discussions that you had with Ms. Thibedeau and Dr.

Astaphan and Mr. Francis; is that right?

A. Could you repeat that please?

Q. When you say that you were not naive enough not to know those were steroids, that was a
5 conclusion or opinion that you had come to?

A. Yes.

Q. And you had come to that conclusion or
opinion based on, and I am asking you was it based on
discussions that you had with Ms. Thibedeau, Mr. Francis,
10 and Dr. Astaphan?

A. Well, it wasn't a discussion I had with
them, but just evidence that I had drawn up myself.

15

20

25

Q. And, Mr. Mowatt, would it be fair to say as well that you are not naive enough not to know that you yourself were receiving anabolic steroids in the injections that you've described to us?

5

A. Yes, I believe so. I believe that's what I was receiving as well.

Q. You believe that you were receiving anabolic steroids?

A. Yes.

10

Q. And, in fact, that is an opinion or a conclusion that you came to in the spring of 1986?

A. That was an opinion I formed at the time.

Q. In 1986?

15

A. Yes.

Q. That you were, in fact, receiving anabolic steroids?

A. Yes.

20

MS. CHOWN: Mr. Commissioner, those are all the questions I have of this witness. In fairness, since I've referred to Miss Thibedeau, I would request that we might recall Miss Thibedeau at this time.

THE COMMISSIONER: I just want to clear up --

25

MR. FUTERMAN: Mr. Commissioner, before the

witness is asked questions by you, I would ask your indulgence. If the College of Physicians and Surgeons transcribes a tape that they have, I may want this witness recalled at a later date.

5

THE COMMISSIONER: Well, with respect to the incident with Mr. Johnson, I think you told us that you told them, the investigators for the college, of this, what you say transpired between you and Mr. Johnson? You told them about the shot discussions?

10

A. Yes, sir.

THE COMMISSIONER: Did you tell anybody else? Did you tell any coach about it?

A. I told my coach.

THE COMMISSIONER: Yes.

15

A. A couple of friends.

THE COMMISSIONER: Did you tell Mr. McKinnon?

A. Bryan McKinnon?

THE COMMISSIONER: Yes.

20

A. Yes, I think so.

THE COMMISSIONER: We'll have that checked, sir, when I think --

MR. FUTERMAN: I'm not as concerned about the shot as I am about the allegation about money being offered.

25

THE COMMISSIONER: I see. Well, we'll check that for you. If we have information to the contrary, you know, we'll do something.

MR. FUTERMAN: Thank you, sir.

5

THE COMMISSIONER: All right. Just one other matter. I think you told us yesterday that you never heard any of these terms that described steroids before this hearing, such as Dianabol or Winstrol or what's been called Estragol? You never heard those words before until you heard them in this hearing; is that right?

10

A. The only one I heard before was Dianabol.

15

THE COMMISSIONER: Where did you hear that?

A. Well, just being around, just training.

Like not in track and field but weightlifters and stuff.

20

THE COMMISSIONER: But the term, the word Estragol or Winstrol was a brand-new word for you, were words unknown by you until you heard it during these hearings?

A. That's right.

THE COMMISSIONER: All right. Any other questions? Thank you, Mr. Mowatt. You're free to go now.

Are you going to call a witness now?

25

MS. CHOWN: Yes, Mr. Commissioner, if I

might recall Miss Thibedeau?

THE COMMISSIONER: Is she here?

MS. CHOWN: She is here, not present in the courtroom.

5

CHERYL THIBEDEAU, previously sworn:

THE COMMISSIONER: Yes, Ms. Chown.

MS. CHOWN: Thank you, Mr. Commissioner.

10

MS. CHOWN:

Q. Miss Thibedeau, I have a few areas to cover with you. I apologize for having to bring you back. We perhaps should have covered these in your direct examination earlier on. Can you cast your mind back to March of 1986. You told us that you participated in a training camp in Tallahassee, Florida that year?

A. Yes, I did.

20

Q. And prior to going on that training camp, had you known Andrew Mowatt very well?

A. Not very well, no. I had seen him around, but I didn't know him very well. Just hello.

25

Q. Now, we know that he had just joined, not joined the group formally but had come to train with Mr. Francis in January of that year?

A. That's true.

Q. Now, in Florida, did you yourself observe Mr. Mowatt receive any injections?

A. I don't believe I did because at that time we liked to keep that kind of thing separate. Since I was receiving steroids, I wouldn't want him present in any of my injections, or I wouldn't have been present at his. But we did have discussions as to what it was he was receiving at that time. And he had told me it was B-12, and then I repeated that I was receiving B-12 as well, not knowing him well enough to admit anything else.

10 Q. What you are saying is you wished to keep the circle very small as to the number of people who knew about the groups' steroid use?

15 A. Yes.

Q. And for that reason, you only indicated to Mr. Mowatt that you were receiving B-12?

A. Yes.

20 Q. Now, I understand you got to know Mr. Mowatt better in Florida and, in fact, began dating him towards the end of that training camp?

A. Yes, I did.

25 Q. All right. And when you returned to Toronto, you continued your relationship with him. Now, I understand -- did he ever live with you?

A. No, he did not. I had two other roommates at the time, and there certainly wasn't the room.

Q. All right. And when you came back then
5 at the end of March 1986, do you recall at that time period or in early April 1986 having any discussions with Mr. Mowatt about the general topic of anabolic steroids?

A. Yes, I did.

Q. Can you tell me about that discussion or
10 those discussions?

A. At that time, we knew each other well enough that I admitted to him my use, but that's only because he had expressed interest in following some sort of steroid program himself. I did name the drug Estragol to him at that time. It was the only name I knew it by. I wasn't fond of referring to it as the white stuff, so I would have named the drug as Estragol.
15

Q. Did you indicate to him that you were receiving injections of Estragol from Dr. Astaphan?

20 A. Yes, I did.

Q. And is it possible that you might have referred to the substance as the white stuff or any other slang names?

A. I would think I would say Estragol. It
25 is possible I don't remember correctly, but I wasn't in

the habit of calling it the white stuff.

Q. And apart from telling him you were receiving anabolic steroids, and in particular Estragol, did you give him any further information about dosage, et cetera?

A. I might have mentioned to him what kind of dosage program I was on, but any further I don't think so. I told him I didn't believe there were side effects or at least any to be concerned about, given my dosage.

Q. And again in that same time period, that is at the end of March of 1986 or early April, did you ever attend to Dr. Astaphan's office with Mr. Mowatt?

A. Yes, I did.

Q. How did that come about?

A. Charlie was in the habit of driving us to Dr. Astaphan's office. Neither one of us had a car, and we would just go at the same time for convenience sake. So Charlie would drive us, and we would all go into the office together.

Q. And was that something that would happen on a reasonably frequent basis?

A. As far as the three of us being inside his office, I'm not sure. At least several times that I can remember, Charlie Francis, myself and Andrew were present.

Q. And during the times that you were present along with Mr. Francis and Mr. Mowatt and Dr. Astaphan, was there ever any discussion of steroid programs or steroids in general?

5 A. Yes, there was. Although I can't be specific, it was the same general conversations that Dr. Astaphan, Charlie and myself were part of. It would have been the same talk about Europeans, perhaps, using steroids and clearance times and the drug Estragol.

10 Q. And do you recall specifically the drug Estragol being mentioned?

A. Yes.

15 Q. And would the words, again, the sauce or the juice or the white stuff, have been used in these conversations?

A. It's quite possible it was. I cannot remember specifically.

20 Q. Do you recall yourself having any discussions -- I'm sorry. Do you recall being questioned by Mr. Mowatt about growth hormone?

A. I can't recall that. I'm sure it might have come up, but since I wasn't using it myself, I'm not sure why I would suggest to him that he was using it.

25 THE COMMISSIONER: You weren't using growth hormones yourself?

A. No, no, I was not.

MS. CHOWN:

Q. And in particular, just following up on
5 your answer, you don't recall having indicated to him that
that was the drug that you were on?

A. No. There was no reason to because we
both know what we were taking.

Q. And, similarly, do you recall any
10 questioning of you by Mr. Mowatt as a result of his
announcing that the drug in the syringe, that the
injections he were receiving from Dr. Astaphan had changed
colours? Did he raise that with you?

A. No, he did not.

Q. Did you become aware at some point that
15 Mr. Mowatt was receiving injections from Dr. Astaphan?

A. Yes, I knew it on the first trip to Dr.
Astaphan's office.

Q. And did you ever come -- I'm sorry, did
20 Mr. Mowatt ever tell you what was in those injections?

A. We had conversations about it, so I
would assume yes, he did. There certainly weren't any
question marks in his eyes. He knew what he was getting.

Q. And when you say he knew what he was
25 getting, what was it that he was getting?

A. Estragol.

Q. The same substance that you were using?

A. Yes.

Q. And when you say there were no question
5 marks in his eyes, was it your opinion that that was clear
to him?

A. Yes.

Q. Now, I understand that you went with
other members of the group to Guadeloupe for a training
10 camp in mid-April '86?

A. Yes, I believe that's the weekend that
Andrew believed that Charlie was away from his apartment.

Q. All right. And Mr. Mowatt did not go?

A. No, he did not go.

Q. And when you say that's the weekend that
15 Mr. Mowatt was referring to in his testimony, that was the
time that he testified he was alone in Mr. Francis'
apartment?

A. That's correct.

Q. And is it your understanding that he
20 stayed at Mr. Francis' while the group was in Guadeloupe?

A. Yes.

THE COMMISSIONER: How long did he stay with
Mr. Francis; do you recall? He was living there at the
25 time?

A. He was living there at that time because after we came back from --

THE COMMISSIONER: Was your apartment across the hall sort of? Were you in the same building?

5

A. Pardon me?

THE COMMISSIONER: Was your apartment in the same building?

A. No, I was across the street, actually down the street.

10

THE COMMISSIONER: But you knew he was living with Mr. Francis?

15

A. Yes. I suggested that because he was looking for a place to live because he wanted to continue his training with our group. And I suggested that, well, at times Charlie is very good about letting athletes with no place to go stay there. Charlie being Charlie would do that.

THE COMMISSIONER: Thank you.

20

MS. CHOWN:

Q. When you returned with the group from Guadeloupe, and that would, I take it, have been sometime in late April of 1986, did you continue to have some discussions with Mr. Mowatt concerning anabolic steroids?

25

A. Yes, I did.

Q. Do you recall any specific discussions?

A. We would have spoke about clearance times because Provo was right around the corner and we both had to clear for that meet. So we would have talked about the two weeks we needed to clear for that meet.

5 Q. And do you recall a specific conversation with Mr. Mowatt in which you and he counted off the days, as it were, to ensure that you were clear?

A. Yes.

10 Q. And the reason you were counting off the days was because you were both receiving injections of Estragol?

A. Yes.

15 THE COMMISSIONER: And also because you had a meet -- that's the one in Utah?

A. Yes.

MS. CHOWN:

20 Q. And the meet in Provo, Utah was sometime in May of 1986?

A. Yes.

MS. CHOWN: Thank you, Miss Thibedeau. Those are my questions.

25 THE COMMISSIONER: All right. Thank you very much, Miss Thibedeau.

A. I had some other things to say.

THE COMMISSIONER: I'm sorry, go ahead.

5 A. Only that after Andrew had that conversation with his coach on the telephone and Charlie overheard that conversation, Charlie, needless to say, was livid about the topic of discussion, so he came to me and wanted me to find out exactly what Andrew had said to his coach at that time.

THE COMMISSIONER: I see.

10 A. So I went to Andrew because I had something to lose as well. I mean, I didn't want Andrew's coach knowing I was taking anabolic steroids.

MS. CHOWN:

15 Q. Did you ask Andrew what specifically he had said to his coach?

20 A. Yes, yes, I did. I said, "Tell me exactly what you said." And he said, "Pat is like a father to me. I told him everything." And I said, "Everything? You told him about the steroids, what I was doing, what everybody was doing?" And he said, "Yes." And then he further said, "Don't worry. He won't say anything."

25 Q. Did he mention to you whether he had said to his coach about the change in the colour of the

injections he was receiving?

A. No, no, not whatsoever.

Q. And by his using the word "everything," you mentioned specifically as to whether he had mentioned 5 steroids?

A. Yes, because I had a big stake in it, and I needed to know exactly what he had told his coach.

Q. And his response to that was he had told his coach everything?

10 A. About the steroids, yes, everything I was doing. And further in the summertime, I believe there was some debate as to whether or not Andrew attended Dr. Astaphan's office as many times as he did in June. He did because I accompanied him. We both had various injuries. 15 I believe he had a hamstring injury at the time, and Dr. Astaphan had a Diapulse machine. So we would attend every day because --

THE COMMISSIONER: What machine did he have?

I'm sorry?

20 A. Diapulse, I believe it's called.

MS. CHOWN:

Q. Just so we're clear, Miss Thibedeau, the OHIP records that were put in as an exhibit indicated 25 almost daily attendances in June, from June 2nd to 30th

for a total of seventeen days?

A. Yes, there wasn't any time to lose because Nationals was early that year, and he had a bad hamstring pull. And we were concerned, Charlie, myself and Waldemar had discussed, that maybe his muscles were too weak to take the load of the steroids, the extra work of the steroids. And Waldemar had said his hamstrings were like paper and it's possible he couldn't deal with the Estragol.

5

10 Q. So your -- would you have accompanied Mr. Mowatt on --

A. Yes.

Q. -- many of those visits in June?

A. Yes.

15 Q. And you're saying that as far as you can recall, many of them would have been to obtain treatments from the Diapulse machine?

20

A. Exactly. That would be the only -- and maybe the odd B-12 injection. But we certainly went every day for the longest time because we were concerned. We had to get his hamstring ready for Nationals, and I believe I had it on my foot at that time.

Q. Because of your broken toe?

A. My injury, yes.

25

Q. Anything else?

A. No.

THE COMMISSIONER: Any other questions?

Thank you very much, Miss Thibedeau.

5 THE COMMISSIONER: I'm sorry. Do you have a question?

MR. SOOKRAM: Yes, I did have one question.

MR. SOOKRAM:

10 Q. Miss Thibedeau, during your brief dalliance with Mr. Mowatt, what kind of person did you find him to be?

THE COMMISSIONER: I don't know -- what point are you making now?

MR. SOOKRAM: I'm making --

15 THE COMMISSIONER: Excuse me. We're interested in the testimony given here, not the opinion of the witness as to another person's demeanor.

MR. SOOKRAM: This is, with respect, your Honor, with respect, Mr. Commissioner, going to the veracity of the last witness. I couldn't ask a specific question --

20 THE COMMISSIONER: I'm going to judge that. I'm not going to have a witness express an opinion about the veracity of another witness. We've heard her testimony and we've heard Mr. Mowatt's testimony, and it's

our responsibility to weigh the evidence and to determine credibility, not the responsibility of a witness.

MR. SOOKRAM: This witness, Mr. Commissioner, knew the last witness.

5

THE COMMISSIONER: Yes.

MR. SOOKRAM: And all I would want from her is a confirmation, which in my own mind already exists, and it is simply -- it isn't an embarrassing question.

10

THE COMMISSIONER: She has given evidence contradictory to what he said. We have that.

MR. SOOKRAM: Perhaps then I don't need to cross the T's and dot the I's.

THE COMMISSIONER: Well, you need not answer this question.

15

Thank you, Mr. Sookram.

MR. MCMURTRY: I just have two or three questions, Mr. Commissioner, which relates to Mr. Francis and his role in this matter.

20

MR. MCMURTRY:

Q. Miss Thibedeau, when, to your knowledge, did Andrew Mowatt commence his, actually commence his steroid program?

A. He told me it was after we came back from Florida. That's to the best of my knowledge.

25

Q. And you told us that he himself expressed an interest in following this steroid program?

A. Yes, he did, or else I wouldn't have -- I would have been reluctant to admit my own steroid use.

5 Q. And I gathered between that time and whenever he left the team, which I think was just before the Commonwealth Games --

A. Yes.

10 Q. -- you and he had become very close friends?

A. Yes.

Q. And you were in each other's company most days of the week?

A. Yes.

15 Q. And so, to your knowledge, Mr. Mowatt remained on this steroid program during that whole period?

A. I believe it would have ended sometime before Utah, possibly two weeks before.

20 Q. And there were frequent discussions about steroids or nicknames, clearance times?

A. Yes, yes, there were.

Q. And this was a common topic of conversation over a period of many, many weeks?

A. Yes, that's correct.

25 Q. And from what you've told us, there is

not a shred of doubt in your mind about what Andrew was doing and his knowledge about what he was doing?

A. None.

MR. MCMURTRY: Thank you.

5 MR. FUTERMAN: I just have two questions, Mr. Commissioner, if I may.

THE COMMISSIONER: All right.

MR. FUTERMAN:

10 Q. The weekend that you described in Guadeloupe, was it just a weekend or was it a week?

A. No, it was two weeks. But that's the first time Andrew was alone in Charlie's apartment.

15 Q. Do you recall if Ben Johnson went on that trip?

A. No, he did not come to Guadeloupe with us.

Q. But Ben would know that you took that trip with Charlie Francis?

20 A. Yes, he would.

Q. He would not be unaware that Charlie Francis was away that weekend?

A. No, Ben knew where we were. He didn't want to come, as a matter of fact.

25 MR. FUTERMAN: Thank you.

THE COMMISSIONER: All right. Thank you very much, Miss Thibedeau.

Your witness is not available, Mr. Armstrong, I don't think?

5 MR. ARMSTRONG: No, that's right. He won't be available until 2 o'clock.

THE COMMISSIONER: Do you have another witness then we could --

MS. CHOWN: Yes, we do, Mr. Commissioner.
10 Miss Killingbeck is present.

THE COMMISSIONER: All right. We'll just take five minutes so we can get our witness.

-- Recess taken.

15

20

25

---- Upon resuming.

THE COMMISSIONER: Next witness, please.

MS. CHOWN: Thank you, Mr. Commissioner.

Molly Killingbeck.

5

MOLLY KILLINGBECK: Sworn

---- EXAMINATION BY MS. CHOWN:

THE COMMISSIONER: Go ahead, please.

MS. CHOWN: Thank you.

10

MS. CHOWN:

Q. Ms. Killingbeck, I understand that you were born in Jamaica in 1959?

A. Yes.

15

Q. And you did not come to Canada until you were 15 years old. So, in fact, you started your running career when you were in Jamaica?

A. Yes.

20

Q. You may have have to speak a little bit closer to the microphone. And when you were in Jamaica, I understand you did 100 and 400 meter runs for your school?

A. Yes.

Q. You also did crosscountry and long jump?

25

A. Yes.

Q. You came to Canada in December of 1974?

A. Uh-huh.

Q. As I have indicated at that time you were 15 years old?

5

A. Yes.

Q. And just going over your educational background, in 1974, you entered George Vanier Secondary School in Toronto?

A. Yes.

10

Q. And you were there for grade 10?

A. Yes.

Q. And then you changed schools and went to Sir John A. MacDonald Collegiate in Scarborough?

A. Yes.

15

Q. For grade 12 and 13 you changed schools again and you were at York Memorial Collegiate in Toronto?

A. Yes, that's right.

Q. I understand since then you completed a degree at York University?

20

A. Yes.

Q. What was that degree in?

A. Sociology.

Q. At the present time can you tell us what you are doing as far as employment goes?

25

A. I am working half days, full time as a

teaching assistant with the North York Board of Education at Tumpane Public School. And one day a week I work at the Metro Track Centre.

Q. I am sorry, one day a week you work at?

5 A. The Metro Track and Field Centre where I train also.

Q. Is it your plan to pursue a career in teaching?

10 A. Yes, that's right. Actually I should find out this week if I get into the faculty or not.

THE COMMISSIONER: Good luck.

MS. CHOWN:

15 Q. So, you hope to be accepted at the Faculty of Education, and once qualified to teach, would you hope to teach in the public school or high school system?

A. Public school.

20 Q. Now turning then to your athletic background, as I have indicated earlier, you started running when you were Jamaica, but you continued to compete when you came to Canada at age 15?

A. Yes.

25 Q. And at the three high schools that you were at between grade 10 and grade 13, did you compete for

each one of those schools?

A. Yes, I did.

Q. At George Vanier I understand that you did the 100 meter, 400 meter, and long jump?

5

A. Yes.

THE COMMISSIONER: What year is this now, Ms. Chown?

MS. CHOWN: That's not 1974-75.

THE COMMISSIONER: Thank you.

10

MS. CHOWN:

Q. The next year, which would be 1975-76, when you were at Sir John A. MacDonald, did you continue to compete for your school?

15

A. Yes, in the fall I did a crosscountry, and I think we had teachers strike that year, and I can't remember if I competed or not, but I do remember running crosscountry in the fall.

20

Q. I think you are quite correct, the teachers strike was '75-'76, that would have interrupted any competitions you might have otherwise participated in?

A. Yes.

25

Q. In 1976 to '78, when you were in grade 12 and 13 at York Memorial, you also continued to participate in those events?

A. Yes.

Q. And I understand that you first joined a club when you were in grade 12?

A. I believe it was grade 12, yes.

5 Q. What club was that?

A. It was called RAP All Stars, and I think RAP meant Reunited African People, or something like that.

10 Q. All right. Did that club subsequently become part of the Scarborough Optimist Club?

A. Well, it evolved into the York Vets, and then from there -- well, that club fell apart and from there I went over to --

15 THE COMMISSIONER: What school were you at at that time?

THE WITNESS: Grade 12, that would be York Memorial Collegiate.

THE COMMISSIONER: Thank you.

20 MS. CHOWN:

Q. You are saying that your first club evolved into another club called the York Vets?

A. Yes.

Q. That club kind of fell apart?

25 A. Yes.

Q. And did the members then go over and become part of the Scarborough Optimists?

5

A. Well, at -- while the club was being dissolved, I was sort in an official way training with the Scarborough Optimists, and then in the fall of '79, I believe, I started training with Charlie Francis officially.

10

Q. We will get to that in a moment. Prior to being coached by Mr. Francis, I understand Peter Cross was your coach?

15

A. Well, in an indirect sense, because when I was with York Vets, Peter would give workouts because he was instrumental in starting that group. And he would give workouts to my coach then, who was Val Gross, and I would do his workouts.

20

Q. And you have had a long and very successful competitive history, Ms. Killingbeck, that continues up to the present. And I would just like to touch on some of the highlights in your more than 10 years of competition.

I understand that in 1978, while you were still in high school, you first participated in the nationals?

A. Yes, that's right.

25

Q. They were held in Montreal that year.

And you ran in the 200 meters?

A. Yes.

Q. Do you recall how you did?

A. I remember that meet because that was
5 my first well big meet because I thought I was good enough
to make the Commonwealth Games team at that time, which I
didn't, but I think I -- I don't remember if I even made
it to the final, but at that time I ran 26 whatever it
was. But -- and it was a pretty fast time for me then.

10 Q. You were how old at that time?

A. In '78, I guess I would be 18, 19.

Q. All right. And in 1979 you went on
once again to compete in the national outdoor
championships placing fourth in the 200 meters?

15 A. Yes.

Q. Again there are many, many races listed
here, I am just going to try and hit some of the
highlights as we go along.

20 In 1980, as well, you participated in the
national outdoors running both the 400 meter and the 200
meter, placing second in the 400 and fourth in the 200?

A. Yes.

Q. And in 1980, because Canada was
boycotting the Olympics, I understand that you
25 participated in some of the competitive meets that were

set up as alternates?

A. Yes, that's true.

Q. In fact you participated in West Germany and Philadelphia that year running the 400 meters and the 4 X 4 relay?

A. Yes.

Q. In 1981, you attended at the Pacific Conference Games placing second in the 400 meters and first in the 4 X 100 relay?

10 A. Yes.

Q. And as well, you participated in the 4 X 400 relay placing third?

A. Yes.

Q. The team placed third.

15 A. Yes.

THE COMMISSIONER: Where that held, the Pacific Conference?

THE WITNESS: That was in New Zealand, I believe it was in Christchurch.

20 THE COMMISSIONER: All right.

MS. CHOWN:

Q. Then in 1981, you also returned to Canada in March of that year to participate in the national indoor championships?

25

A. Yes.

Q. You ran in the 400 meters placing first?

A. Yes.

5 Q. That same year, that is 1981, after completing a European tour, you participated in the national outdoor championships running both the 200 and 400 meters and placing fourth in both?

A. Yes.

10 Q. Going on then into 1982, you participated in a number of dual meets with Yugoslavia, Italy, and the United States. And in July of that year, you participated in the nationals, the outdoor nationals?

A. Yes.

15 Q. You ran the 100 meters placing third?

A. Yes.

Q. Was that something that you were now running more frequently, the 100 meters at that time?

A. Yes, I would say so.

20 Q. You also ran the 400 meters which tends to be the race you run more frequently?

A. Yes.

Q. And you placed first?

A. Yes.

25 Q. Your time at that time was 52.09 for

the 400 meters. You also ran the 200 meters placing third?

A. Yes.

Q. In 1928, as well, you attended the Commonwealth Games, and do you recall where they were?

A. In Brisbane, Australia.

Q. You participated in a number of events, the 400 meters, 200 meters, 4 X 1 relay, and 4 X 4 relay?

A. Yes.

Q. In the two relay races, the team placed first in the 4 X 4, and second in the 4 X 1?

A. Yes.

Q. In 1933, once again you participated in a number of meets including a meet in Sherbrooke, and the Toronto Star Indoor Games. You also participated in the national indoor championships running the 200 and 400 meters?

A. Yes.

Q. Placing second in both. In June of that year, you participated in the national outdoors, again running the 400 and the 200, and this race you were first in the 400, with a time of 51.33.

A. Yes.

Q. And second, I am sorry, third in the 200 meters. July of that year, you participated in the

World University Games?

A. Yes.

Q. And you ran the 400 meters in both relays?

5 A. Yes, that's correct.

Q. And going forward, you also, excuse me, in 1984 participated in the World Championships running those same events?

A. Yes.

10 Q. Moving then in to 1984 again you ran in Sherbrooke, you ran in Toronto Star Indoor Games, and the National Indoor Championships. At the indoors, you ran the 50 meters and placed third?

A. Yes.

15 Q. You also participated in March of 1984 in the CIAU Championships placing first in both the 300 meters and the 50 yards.

A. 50 meters, yes.

20 Q. 50 meters, you are quite right. You continued on with a number of competitions in the spring and summer of 1984. You participated, for instance, in the national outdoor championships in June placing fourth in the 400 meters?

A. Yes.

25 Q. And in 1984 was, of course, the Olympic

year, and that was in Los Angeles. Did you participate in those games?

A. Yes, I did.

Q. All right. I understand that you ran
5 the 400 meters and the 4 X 4 relay?

A. Yes.

Q. And the placings there, 4 X 4 relay you
were second?

A. Yes, that's correct.

10 Q. Do you recall who else was on the team
with you in 1984?

A. Jillian Richardson, Marita Payne and
Charmaine Crooks.

15 Q. In the 400 meters, you got into the
semifinals?

A. Yes, that's correct.

Q. And then following the Olympics then
you went on a European tour in August of that year?

A. Yes, that's correct.

20 Q. Turning then to 1985, you ran the same
series of meets. And let me simply refer to your placings
at the national outdoor championships in August of that
year where you were first in the 400 meters and fourth in
the both the 100 and 200 meters?

25 A. That's correct.

5 Q. You continued a very active participation schedule in 1985, participating as well at the World University Games in August, the World Cup Trials in September, and finally participating at the World Cup itself in October of 1985, where you placed fourth in both the 4 X 4 relay and the 4 X 1 relay?

A. That's correct.

10 Q. Turning then to 1986, you participated once again in a number of meets including the national outdoor championships in June of that year in the 400 meters, placing fourth, and seventh in the 200 meters?

A. That's correct.

15 Q. You then went on a European tour and you finished up participating in the Commonwealth Games which were held in August of that year, 1986. And the relay team that you were on in the 4 X 400 placed first?

A. That's correct.

Q. Do you recall who were your teammates on that relay?

20 A. It would be the same, Jillian Richardson, Marita Payne and Charmaine Crooks.

Q. Jillian Richardson, Marita Payne and Charmaine Crooks?

A. Yes.

25 Q. In addition in 1986, you participated

in dual meet with Great Britain and went on a European tour?

A. That's correct.

Q. 1987, as well, you participated in the same series of meets as you had in other years, both in Canada and Europe. You returned to Canada for the national outdoor championships in August where you placed fourth in the 400 meters?

A. That's correct.

Q. You also participated in the 200 meters but your showing was not as impressive?

A. That's correct.

Q. 1987 was, of course, the year of the Pan-American Games, and you participated there in both the 100 meters and the 4 X 400 relay?

A. That's correct.

Q. In the relay your team placed second?

A. That's correct.

Q. Is it the same team that you have referred to earlier --

A. Yes.

Q. -- or any changes?

A. Yes, the same team.

Q. All right. 1987, also saw you participating in the World Championships in August and

September of that year?

A. That's correct.

Q. Turning to 1988, you began the year
participating at the Hamilton Spectator Indoor Games with
5 a 500 meter race in which you placed second?

A. That's correct.

Q. With a time of 13.51. You went on from
Hamilton to participate in the national indoor
championships where you were fourth in the 60 meters?

10 A. That's correct.

Q. You then did a European tour and
returned to Canada in time for the national outdoor
championships, which were held August 6 in Ottawa, placing
third in the 400 meters?

15 A. I believe that's correct, yes.

Q. And you did participate in the Olympic
Games running as one of the team members in the 4 X 400
relay?

A. That's correct.

20 Q. And we will get to that event later,
but you did not finish the race?

A. Yes, that's correct.

Q. Following the Olympics and going into
1989, I understand that you ran in Ottawa at the Ottawa
25 Games, which were held in January, and you ran the 50

meters placing fourth?

A. That's correct.

Q. All right. Has there been one
subsequent meet to that that you have participated in as
5 well this year?

A. Well, that same weekend I ran the meet
in Sherbrooke but I didn't finish. Then I ran the indoor
championships afterwards in February.

Q. You ran the indoor championships in
10 February. What events did you participate in there?

A. The 60 meters and the 200.

Q. All right. What were your placings?

A. I believe I was fourth or fifth in the
60 meters, and then in the 200 I didn't -- I made it to
15 the final, but I didn't compete.

Q. All right. And is it your intention
to continue the competitive schedule that you have
throughout the balance of 1988?

A. That's correct.

20 Q. I am sorry, 1989?

A. 1989 that's correct.

Q. Pardon me. Thank you.

Now, I would like to take you back in time
to the point at which you began to be coached by Mr.
25 Francis. And you indicated to us earlier that you recall

that being in the fall of 1979?

A. That's correct.

Q. And at that time, you would have completed high school?

5 A. Yes.

Q. And am I correct in understanding that once you got your grade 13 you began to work?

A. Uhuh-huh.

Q. In fact held a full time job?

10 A. Yes, I did.

Q. And you had yourself on a reasonably punishing schedule in that you were living in Malton at that time?

A. Yes, that's correct.

15 Q. And you were working, in fact, right close the hearing room?

A. Just across the street, yes.

Q. And I understand you used to get up at 6 o'clock and come in to Toronto to work?

20 A. That's correct.

Q. You would put in a full day's work finishing at 5 o'clock?

A. That's correct.

25 Q. Then you would take the bus up to York University for your training?

A. That's correct.

Q. And how long would you train?

A. An average of two or three hours a day,
sometimes more or less.

5 Q. Following that, you would take the bus
back to Malton?

A. Yes.

Q. What time did you get home?

A. Usually about 11 at night, sometimes
10 later.

Q. During your training season, how many
days a week would you be going up to York on that
schedule?

A. Well, five days a week plus Saturdays.

15 Q. All right. Now how did it come about
that you began to work with Mr. Francis in the fall of
1979?

20 A. I think because the York Vet Club had
dissolved and at that time we were training at same venue
at Lawrence Park Collegiate, and I would show up and there
and I would start doing the workouts that other club
members from the Scarborough Optimists were doing. And in
all fairness to Charlie, I thought that if I was going his
workout, I should be coached by him.

25 Q. All right. Did Mr. Francis make any

changes in your training program that you had been used to with your previous coaches?

A. There was just slight changes because the program was very similar to what I had been doing from the workouts I was getting from Peter Cross.

Q. Now, I understand with Mr. Francis that for the first number of years you were with him up until 1984, you tended to focus on the 400 meters as your event?

A. That's correct.

Q. After 1981, you started to run the relays?

A. Yes, that's correct.

Q. Was that at your suggestion or Mr. Francis'?

A. It was neither. It just something that happened because in high school I always ran in the relays and I -- I think even in my last year in high school in '78, I competed and I made it to OFSSAA in the 100 meters, I think I was fifth in the finals or something like that. It was something I had always done but was never really great at doing.

Q. Ms. Killingbeck, if I can get you to speak just a touch more slowly that will help us all.

As well, you started after you had been Mr. Francis for some years to do some sprint work that is at

the lower level, the 100 and 200 meters as well?

A. That's correct.

Q. How did that come about?

A. I think it was because basically of the
5 workouts I was doing and at that time I was probably the
only 400 meter runner in the group.

Q. Everyone else was doing the shorter
distances --

A. Yes.

10 Q. -- that you were training with. What
athletes were training with Mr. Francis when you joined
him in the fall of 1979?

A. I think at that time, Angella Issajenko
was there, well, Taylor at the time, Charmaine Crooks I
believe was being coached by Charlie, I think Desai
Williams perhaps, or I am not sure if he was at Clemson at
that time.

15 Q. All right.

Q. Alexis Paul-MacDonald, and there were
quite a few others, I can't remember at this time.

20 Q. All right. And we have reviewed some
of the highlights of your competitive season, but just to
return to one. When you participated in the indoor
nationals in 1980, after you had been coached by Mr.
Francis for a short while, and you won the 400 meters, I

understand you considered that a significant break through in your own performance?

A. Yes, that's correct.

Q. And at that time, as well, in 1980, was 5 that when you became a carded athlete?

A. I wasn't carded until the fall of 1980.

Q. Did you start off receiving a C card?

A. Yes.

Q. Now, we have reviewed in detail the 10 numbers of meets that you were in in 1980, '81, '82. One thing I didn't cover with you, in 1983, I understand that you were present in Caracas for the Pan-Am Games and intending to compete but you got ill?

A. That's correct.

Q. In fact did not compete? 15

A. That's correct.

Q. Up to late 1982-early 1983, can you 20 tell me what your understanding or what information you had about the use of performance enhancing drugs by athletes was?

A. I think what little -- what I knew was very limited. And whatever information I got at that time it would be from Charlie.

Q. Just taking you to the Pan-Am Games, 25 were you aware of the number of positive tests and the

reaction and discussions of athletes in Caracas at that time?

A. Yes, because that was one of the big steroids "bust" in sports because they were saying that they had developed these tests that they could -- they were quite sensitive and they could test, you know, for things that had been in your system for a long time and people started talking about possible side effects from taking anabolics or whatever other performance enhancing drugs they were taken. And I also remember incidences of people leaving the village, because they were uncertain as to whether or not they would pass their test.

Q. So, the information you referred to, this was all the general topic of discussions --

A. Yes.

Q. -- by athletes there?

A. Yes.

Q. You said that your prime source of information about anabolic steroids came from Mr. Francis?

A. That's correct.

Q. Did you have with him, when you joined him to be trained by him in 1979, did you begin to have discussions with him about performance enhancing drugs and in particular anabolic steroids?

A. No, I did not.

Q. When did those discussions start with Mr. Francis to the best of your recollection?

A. To the best of my recollection, I think it would be in 1983 even --

5

Q. After the Pan-Am Games?

A. No, I think it would be in '82, in the fall of '82.

Q. How did the subject come up?

10

A. I can't remember exactly how it was approached, but I remember, you know, Charlie speaking to me about performance enhancing, and he did mention steroids. And whenever we did mention it, he would speak to me about it from an injury -- injury perspective because I was always -- well, I am very injury prone and he thought if I took these drugs it would make me stronger which in turn would offset injuries.

15

Q. When you say he spoke to you about these drugs from an injury perspective, that was the context in which he raised the topic with you?

20

A. Yes.

Q. He said that they would, that anabolic steroids would make you stronger?

A. Uh-huh.

25

Q. And would therefore reduce the number of injuries you might suffer from?

A. That's correct.

Q. Would he have these discussions with you and other athletes at the same time, or was it something that he raised with you privately?

5 A. To the best of my recollection whenever I did speak to Charlie it would always be one and one.

Q. Do you recall now what specific words he used when he talked about anabolic steroids, that is did he use a specific drug name, or what?

10 THE COMMISSIONER: What year is this now?

MS. CHOWN: We are still in 1982.

THE WITNESS: I can't remember -- well, the first time I had ever taken anything was in the spring of '82, and I can't remember. Like I -- I believe I said before they were pink pills but for all a know they could be blue.

20 And Charlie had given me the amount that would last for a four-week period. And I remember not completing that four-week period because I was supposed to -- well, I had to go to Jamaica because my grandmother had passed away during that time --

Q. Let me just stop you there just so that we have that clear. You say the first time that you actually took any anabolic steroids was early in 1982?

25 A. That's correct, yes.

Q. And the discussions that you have told me about earlier, did those take place prior to your receiving those tablets?

5 A. I can't recall how -- how I even -- how Charlie -- how I even got started taking it, but I don't remember if we had discussed it or if he had just given it to me for that particular incident. But I remember we had further discussions in the fall of '82.

10 Q. Well, let's just come back then. To the best of your information, when did you receive tablets from Mr. Francis in 1982?

A. That would be in May of '82.

Q. What did he give you?

A. I believe they were Dianabols.

15 Q. All right.

A. But I didn't really particularly pay attention to names, but I believe they were.

Q. What color were the tablets?

A. I think they were pink.

20 Q. You said that Mr. Francis gave you a supply of tablets that was enough to last for four weeks?

A. Yes.

Q. Did he give you a bottle of tablets?

A. No, they were just in a little pill
25 box.

Q. Did he tell you what they were?

A. I believe he did -- well, I obviously knew what they were, maybe not by name, but I knew what they were.

5

Q. You knew what they were, you knew they were anabolic steroids?

A. Yes.

Q. You believed that they were Dianabol?

A. Yes.

10

Q. Do you recall what the dosage was that you were to take of these pills that is how many per day?

A. It would be one a day, so, whatever the dosage was, I guess maybe 5 milligrams. I can't remember.

15

Q. One a day throughout a four-week period?

A. Yes.

Q. Then you were to stop?

A. Yes.

20

Q. The number of pills he gave would be sufficient to carry you through the four weeks?

A. That's correct.

Q. You said earlier that you believed that you did not take a full four week's of the pills, and how is it that you recall that?

25

A. Because I remember -- we were supposed

to go on a training camp and I remember not being able to go because just before we were supposed to depart I heard that my grandmother died. And I went to Jamaica, and I was there for two weeks. And during that two-week period 5 I didn't train at all. So, I didn't take any.

Q. Your grandmother died or you went to Jamaica in May of 1982?

A. Yes, it would be the middle of May.

Q. And when you -- so, therefore, did you 10 take the pills for approximately two weeks before you left?

A. Yes, I believe so.

Q. Did you notice any changes or any effects from taking the pills?

A. Not particularly at that time. 15

Q. And then when you returned from Jamaica sometime in May of 1982, did you resume taking the pills?

A. To the best of my recollection, no.

Q. When is the next time that you recall 20 going on an anabolic steroids cycle?

A. It would be after the Commonwealth Games in the fall of '82.

Q. Now we have had heard that you participated in those games in Australia, and you would 25 have returned from those games in October of 1982?

A. That's correct.

Q. And after a short break, I take it,
would have resumed training in November?

A. That's correct.

5 Q. And at that time did you begin taking
tablets again?

A. That's correct.

Q. Were these similar or different to the
ones you had taken in the spring?

10 A. I think they were similar.

Q. Blue tablets or pink tablets?

A. They were either pink or blue, I can't
remember, but --

Q. And who gave you those tablets?

15 A. They were -- whatever I took always
came from Charlie.

Q. All right. And did you ever receive
any tablets from Desai Williams?

20 A. Whatever I took -- okay. In the fall
of '83, I think -- well, Desai had a bottle of pills which
he got from Charlie, and that's where my source came from,
my supply.

THE COMMISSIONER: I am sorry, I am lost
there. He had a bottle of pills. Who is he, though, I am
25 sorry?

THE WITNESS: Desai.

MS. CHOWN:

5 Q. So, am I correct in understanding, just so we have got this straight, you understood that the tablets originally came from Mr. Francis?

A. Yes, that was my understanding.

Q. And Mr. Francis gave a bottle of tablets to Mr. Williams?

10 A. That's correct.

Q. And you and Mr. Williams were dating at that time?

A. That's correct.

15 Q. And out of Mr. Williams' supply, he then provided you with tablets for your own use?

A. That's correct.

Q. And was it your understanding at that time, we are still in the fall of 1982, that Mr. Williams was taking these pills as well?

20 A. It was an assumption to make, but I never -- you see, whatever I took or whatever I did, I always made sure that I didn't want to know what anyone else was doing.

25 THE COMMISSIONER: He would know because he gave you the pill.

THE WITNESS: He would know what I was taking.

THE COMMISSIONER: Yes.

5 THE WITNESS: Yes, but I would assume that he was taking it, too.

THE COMMISSIONER: I see.

THE WITNESS: But like I never saw him take anything, so.

10 MS. CHOWN:

Q. So, what you are saying is you never observed him swallowing a pill, but the fact that he had a bottle that he had obtained from Mr. Francis and provided some to you, you made the assumption that he was taking them as well?

A. Yes, that's correct.

Q. And but just so we are clear, it was your clear understanding that the original source of these tablets was Mr. Francis?

20 A. Yes, that's correct.

Q. Now, again, you have told us that in the spring you were not able to complete the four-week period?

A. That's correct.

25 Q. Was the same cycle suggested for you in

the fall of 1982?

A. Again, it would have been a four or a six-week cycle. And I -- I remember in the fall of '82 that I didn't complete the cycle because of muscle stiffness.

5

Q. Who would have told you how many tablets to take and what the dosage should be?

A. In the fall, I think all my information would have come from Charlie Francis.

10

Q. So, again, would he have sat down and said this is the dosage and this is the time period?

A. Yes, exactly.

Q. And in the fall of 1982 was it your understanding that the tablets were Dianabol?

15

A. I believe that's what they were, yes.

Q. Now, what happened in the fall of 1982, did you in fact take the tablets?

A. Yes, I did take them but I wasn't able to complete the whole cycle.

20

Q. Why was that?

A. Because of muscle stiffness.

Q. Did you notice any effects though -- well, sorry, before I ask you that, how long did you take them?

25

A. I would say maybe for about four weeks.

Q. Out of a six-week cycle?

A. Yes.

Q. After taking them for four weeks, at that time you were participating in your training?

5 A. Uhuh-huh.

Q. Did you notice any effect on your training?

THE COMMISSIONER: She said she was stiff? You had muscle stiffness, is that what you said?

10 THE WITNESS: Yes, but I was still able to train very well.

THE COMMISSIONER: You were still training, yes.

15 THE WITNESS: In fact I noticed significant improvement in my training, and I was able to run faster with less recovery and even for the following day I would recover much quicker, you know, much more quickly.

MS. CHOWN:

20 Q. Now I understand that in December of 1982, you competed in Saskatoon?

A. That's correct.

Q. You ran the 500 meters?

A. That's correct.

25 Q. And how did you rate your own

performance?

A. I can't remember the time, but I do remember setting a Canadian record in the 500 meters at that meet.

5

Q. Now, that was a meet that came relatively close to your steroid cycle. Had you had any discussions with Mr. Francis or anyone else about clearance times?

A. At that time, I don't believe so.

10

Q. Were you concerned about that in the fall of 1982 considering that you were going to be competing in Saskatoon?

A. Not at that time, I don't think so.

Q. Were you tested in Saskatoon?

15

A. No, I don't believe I was.

Q. All right. Turning then to 1983, as we have heard, you participated in the indoor season in 1983. And you would not therefore have been taking any anabolic steroids during the competitive season?

20

A. That's correct.

Q. And turning then to March of 1983, is that the next time that you embarked on a steroid program?

A. That's correct.

25

Q. All right. Once again can you tell us what you took, and for how long?

A. Okay. It would be blue pills again.

Q. Did you understand those to be
Dianabol?

A. Yes, I think that's what they were.

5 Q. How long?

A. Again it would have been a four or a
six-week cycle.

Q. Do you recall the dosage?

10 A. I believe -- I don't remember the exact
dosage, but I remember speaking to Angella and she -- I
think that would be the time that she had recommended a
pyramid.

Q. A pyramid is what we have heard about
of a gradual increase in the number of tablets?

15 A. And then a decrease.

Q. And then a decrease.

A. Yes.

20 Q. So, did you, in fact, at that time go
on a pyramid of Dianabol tablets in March of '83 and the
weeks thereafter?

A. Yes. I remember because I -- when --
well, in the pyramiding when I went really high, I
couldn't tolerate. And then I mentioned this to Charlie
and he said either stop or decrease the dosage.

25 Q. When you say you couldn't tolerate it,

were you noticing the same stiffness that you referred to on the other two occasions you had taken the Dianabol tablets?

A. That's correct.

5 Q. And did you receive the Dianabol tablets in this case from Mr. Williams from the supply that he had?

10

15

20

25

A. It would be from the same source, yes.

Q. And by the same source, meaning --

A. From the bottle.

Q. That Mr. Desai Williams had?

5

A. Yes.

Q. Okay. Do you recall how far into the pyramid you went?

A. Again, it would be a minimum of four weeks.

10

Q. Okay. Now, following that cycle then, of course, came the outdoor season, and you attended competitions in Provo, Utah in May of 1983 and, I understand, ran some of your best times in Provo?

A. That's correct.

15

Q. And, in particular, you ran an 11.25 for the 100 metres?

A. That's correct.

Q. And do you recall what your times had been, your best times had been prior to that?

20

A. I can't remember exactly, but they would probably be 11.60's.

Q. So it was a significant improvement?

A. That's correct.

25

Q. You also in Provo ran the 200 metres twice, one a wind-assisted time of 22.68?

A. That's correct.

Q. And that was a legal time of 22.75?

A. That's correct.

Q. And you set the Canadian record for the
5 400 metres, running 51.08?

A. That's correct.

Q. And do you recall again what your previous best had been in the 400 metres prior to this race in May of '83?

10 A. I think prior to that race it was 51.70,
whatever it was.

Q. Now, shortly after your attendance at competitions in Utah, I understand that you suffered a hamstring injury?

15 A. That's correct.

Q. How did that come about?

20 A. I believe it was the same week of the indoor -- the outdoor championships. I was warming up, came running around the corner, and someone stepped out on the track and I had to stop suddenly.

Q. You did, however, go on and compete in various events through 1983 as we've referred to earlier?

A. That's correct.

25 Q. Going then to the fall of 1983 and the training period that you were going to embark upon for the

1984 season --

THE COMMISSIONER: What about the Pan American Games, though? That was in '83, wasn't it?

5

MS. CHOWN:

Q. Yes, that was the games, Miss Killingbeck, that you were present at but didn't compete because of your infection?

A. That's correct.

10

THE COMMISSIONER: You were on a steroid program at that time, though, weren't you?

A. That was in the spring of that year, that's correct.

15

THE COMMISSIONER: When was the Pan Am Games?

MS. CHOWN: July of --

A. It was August '87. '83, sorry.

THE COMMISSIONER: And why weren't you able to compete in the Pan Am Games?

20

A. Because I caught a viral infection in my stomach and I lost ten pounds in about three days and --

THE COMMISSIONER: When you were in Caracas?

A. Yes. And I also suffered from heat exhaustion, and they advised me not to compete.

25

THE COMMISSIONER: Thank you.

25

Q. Had the discussions that you referred to

that time.

very well with me. And I decided that I didn't want to at would be a part of the program, and that wasn't sitting

mentioning -- they mentioned growth hormone, and that

A. In the fall of '83, I remember Charlie

20

1983?

Q. Why did you not do so in the fall of

A. That's correct.

steroids with the fall training?

the previous year, the fall of '82, combined anabolic

Q. And as we've heard earlier, you had in

A. That is correct.

anabolic steroids?

balance of 1983, you did not go on any further program of

Q. And, in fact, am I correct that for the

A. That's correct.

Q. And going for approximately four weeks?

A. That's correct.

Q. Commencing in March?

A. That's correct.

You had been on one cycle of anabolic steroids?

Q. So in 1983, up until the Pan Am Games,

MS. CHOWN:

5

25

A. That's correct.

in the fall of 1983, You also returned to university --

Q. And just so we can put the context here,

A. That's correct.

1984 Olympics?

in fact, You were coached by him officially up until the

Q. All right. And we'll hear later that,

A. Yes, I did.

train with Mr. Francis in the fall of 1983 and thereafter?

Q. And following that, did you continue to

A. That's correct.

15

declined?

the fall of 1983 about embarking on another program, You

Q. So when Mr. Francis approached You in

anabolics and getting caught.

times and whatever, I wouldn't want to risk taking the

I believed that, based on what I had heard about clearance

guess, for health reasons and the fact no one was --

A. I think -- well, some of it would be, I

Q. And what were your concerns about?

too.

5

A. Yes, I had some concerns about that,

decision not to go on anabolics in the fall of '83?

Caracas, did those discussions have any effect on your

earlier that You had heard other athletes talking about in

25

-- Recess taken.

Commissioner.

MS. CHOWN: Yes. Thank you, Mr.

good time to have our morning break.

20

THE COMMISSIONER: Perhaps this would be a

Q. How did that meeting come about?

A. That's correct.

is the first time that you met Dr. Astaphan?

Q. And in the fall of 1983, I understand,

compensate running.

15

I did a lot of cycling and other types of training to
 two-month period where I couldn't do any running at all.
 condylic malacia and it was -- I think I went for maybe a
 of '83-84, I was plagued by tendinitis of the knee and
 than I was before, because I remember in the indoor season
 do the same workload, but I was plagued by injuries worse
 A. Well, in my training I was still able to

Your performances or your training?

Q. And did you notice any difference in

A. That's correct.

5

You, though, continue to train in the fall of 1983?

Q. When you did not resume steroid use, did

A. That's correct.

Q. -- full time, having taken a year off?

THE COMMISSIONER: Miss Chown.

MS. CHOWN: Thank you.

5

MS. CHOWN:

10

Q. Miss Killingbeck, I wonder if I might just go back and clear up something. We've heard now about three steroid cycles that you were on, one in the spring of 1982, one in the fall of 1982 and one in the spring of 1983?

A. That's correct.

15

Q. I just want to see if we can get clear where you were obtaining the pills for each of those cycles. The spring of 1982, you told us that you received enough pills only for a four to six-week cycle?

A. That's correct.

20

Q. And you understood that those pills were obtained by Desai Williams from Mr. Francis?

A. Yes. Charlie passed them on to Desai to give to me.

Q. All right. Now, in the fall of 1982 --

THE COMMISSIONER: Were they just enough for you or were there more in the bottle?

A. There was just enough for that duration.

25

THE COMMISSIONER: I see.

MS. CHOWN:

Q. And the container that you received them
in in the spring of 1982 was a little decorated pill box?

5 A. Yes, that's correct.

Q. And in the fall of 1982 -- and I'm sorry, just let me go back here. And you took, not all of those pills, but a substantial number of those pills in the spring of 1982?

10 A. That's correct.

Q. And then we come to the fall of 1982. At that time, you went on another steroid cycle. You believe it was Dianabol pills?

A. That's correct.

15 Q. And did you obtain those pills from Mr. Williams?

A. Yes, from -- well, he bought it from Charlie, and they were placed in a vitamin bottle, a dark, I think a dark brown bottle.

20 Q. So your understanding is that Mr. Williams went to Mr. Francis, purchased some Dianabol tablets and those tablets were then placed in a vitamin bottle?

A. That's my understanding, yes.

25 Q. And out of that vitamin bottle, did you

then take or were you given a supply of Dianabol tablets for your cycle in the fall of 1982?

A. Yes, because my cycle was worked out and I knew how much it was supposed to be. And I would take it out and keep that separately.

5 THE COMMISSIONER: I'm sorry. You'd take it out of where?

A. From the larger bottle.

THE COMMISSIONER: And where was the larger 10 bottle kept?

A. It was kept inside a trunk inside a cupboard in an extra room.

MS. CHOWN:

15 Q. And you and Mr. Williams were living together at this time?

A. That's correct.

Q. So this trunk was in one of the rooms of the apartment that you shared?

20 A. That's correct.

Q. And you told us earlier that it was your assumption that Mr. Williams was taking tablets, the Dianabol tablets, himself during this period?

A. I would assume so, yes.

25 Q. And would his source have been the

tablets that were in the vitamin bottle that you just described?

A. Yes, I would make the assumption, yes.

5 Q. Then we get to the spring of 1983 and you go on a further cycle of Dianabol tablets. Where do you get those tablets from?

A. It would have been from that same supply.

10 Q. That is the vitamin bottle that was filled with tablets that Mr. Williams bought from Mr. Francis?

A. That's correct.

Q. And was that bottle still kept in a trunk in your apartment in the spring of 1983?

15 A. That's correct.

Q. Now, we had talked about the fact that in the fall of 1983 you declined to go on a steroid program at the beginning of the training season?

A. That's correct.

20 Q. And did that -- did you have any pills that remained in your possession in the fall of 1983?

A. Well, the bottle of pills, that remained inside the trunk until the fall of last year when I was cleaning, because I had forgotten they were there, and I threw them out. Actually, I showed them to Desai last

year, and I said, "Well, what do you want me to do with these?" And he said to flush them down the toilet, which I did.

5 Q. And is that a discussion you had with Mr. Williams following the Seoul Olympics in the fall of 1988?

A. That's correct.

10 Q. So those tablets remained in your apartment in the fall of 1983 and for the years thereafter up until the fall of 1988?

A. That's correct.

15 Q. And was it your assumption that Mr. Williams continued to himself take Dianabol tablets out of the vitamin bottle that was in the trunk?

A. Not during that period between '83 and '87. I wouldn't -- I would say no.

20 Q. Now, I believe prior to the break, we had come to the fall of 1983 and I had asked you about your first meeting with Dr. Astaphan?

A. That's right.

Q. All right. Can you tell me how that came about?

25 A. Because from time to time I would help Charlie with the paperwork, i.e. filling out training charts and monthly report cards to the C.T.F.A., and this

5

one day in particular I had gone over to help him. And afterwards he asked me to go out to lunch with him, which we went to Swiss Chalet afterwards, and then he said he had to make a stop and the stop was Dr. Astaphan. He didn't tell me at the time we were going to see Dr. Astaphan. And then we went in to see Dr. Astaphan in his office. I believe it's over, his office at that time was at Dufferin and Lawrence.

10

Q. All right.

15

A. And Charlie mentioned to Dr. Astaphan that I had taken Dianabol before and he wanted me to get on the program. And I remember Dr. Astaphan looked at me and told me that I was too small and I should weigh more; I should be bigger, et cetera, et cetera.

20

Q. So there was some general discussion, but you were not there to receive treatment or any medication from Dr. Astaphan?

A. That's correct.

25

Q. Going then into 1984, as we've heard, you participated in the Los Angeles Olympics that year?

A. That's correct.

Q. And prior to that, the group went on a training camp in Guadeloupe in the spring of 1984?

A. That's correct.

25

Q. And by the group, I mean the numbers of

athletes that trained with Mr. Francis?

A. That's correct.

Q. Did you attend the training camp in Guadeloupe yourself?

5 A. Yes, I did. In fact, I think the whole team were scheduled to be in Guadeloupe for two months. And I was still in university at the time, and I didn't join them until after they had gone for two weeks. I was supposed to be there for a six-week duration, and when I got there, I just -- after three weeks I decided I was going to leave, which I did. And I left from there and went to Tallahassee where I trained. Well, I stayed with Marita Payne at the time. I stayed there for three weeks and from there I went on to Provo.

10 15 Q. Going back to Guadeloupe, were you aware of any other members of the Mazda group being involved with the use of anabolic steroids in Guadeloupe?

20 A. It wasn't something that was done blatantly, but it was an assumption. At that time, I think, there were about four or five of us that stayed at Kreps, and Angella Issajenko at that time had an apartment and they would leave after supper and go to her place.

Q. What assumption did you make about why athletes were going to her place?

25 A. Well, I just figured -- well, they were

all going someplace after dinner and I wasn't going with them, so it was something they were doing that they didn't want me to know about or I should know about.

5 Q. Did you have any discussions with athletes or observe any athletes receiving injections or taking any tablets in Guadeloupe?

A. No.

10 Q. Now, I understand following Florida you returned to Toronto, and then in that spring, as we've heard, you went to Provo, Utah and you were injured there at the training camp in Provo, Utah?

A. That's correct.

Q. You pulled your quadriceps muscle?

A. That's correct.

15 Q. And that affected your training prior to the Olympics. And, in fact, you tried to do rehabilitation on your muscle in May and June of 1984?

A. That's correct.

20 Q. And am I correct in understanding that in the summer of 1984 you, in fact, returned to Dr. Astaphan specifically for treatment of your quadriceps injury?

A. That's correct.

Q. And what did he prescribe for you?

25 A. I can't remember the brand name, but it

was an anti-inflammatory, one in a pill form and the other was the topical cream.

Q. Am I correct in understanding that prior to that you had had both Dr. Clement and Dr. Bull look at your injury?

A. Yes, that's correct.

Q. And it was at Mr. Francis' suggestion that before taking any steps in the treatment you have Dr. Astaphan look at the injury?

A. At the time when Charlie decided I should go to Dr. Astaphan, I was being treated at the Bobby Orr Sports Clinic, and Charlie thought at the time what they were doing for me wasn't helping.

Q. And did the treatment prescribed by Dr. Astaphan assist your rehabilitation?

A. I believe so, yes.

Q. Now, prior to the Olympic Games which were in July of 1984, I understand that you participated in the Olympic trials and you had made the Olympic team for Canada for the 400 metres?

A. That's correct.

Q. And you attended a training camp in Sacramento in July of 1984, a few weeks before the Olympics, and am I correct in understanding that at that time there was some discussion from Mr. Francis that, with

Mr. Francis that resulted in an ending of your training relationship with him?

A. That's correct. I think during the period of -- well, starting in the fall of '83, into the summer of '84, when I made a decision that I didn't want to be on the steroid program anymore, Charlie and I, we had a lot of conflicts, not just because of that, but we couldn't come to an agreement on workouts. For example, if he told me to do 2 times 500, I would say why not 4 because more was better. And he thought that was one of the reasons that I got injured because I wasn't following the program. And then during the training camp leading up to the Olympic Games -- well, just backing up a bit, at the trials for the Olympic Games when I reinjured my quadriceps muscle, I finished fourth and I was still selected to the team. And Gerrard Mach at the time thought I would go on a rehab program which would make me well enough to run the open 400 metres at the games, and I got into a conflict with Jillian Richardson because she, in fact, had finished third and they wanted to use me in the 400 metres. And Jillian didn't think it was fair, and I didn't either but Gerrard thought, based on experience, I should be the one running the 400 metres, the open 400 metres. And during our camp in Sacramento, well, I could hardly run the 100 metres and Jillian kept on -- well,

5

10

with good reason. She was quite upset that she wasn't going to be the one running the open 400 metres, and I asked Charlie to have a run-off with her. Charlie at the time didn't agree nor did Gerrard Mach and, you know, Charlie said, at that time, he said, "You listen to me and do everything I say because we've been having problems for so long." And at that time, he said to me, "You are either --" He said, "There are two groups. There's an in-group and an out-group. And you're either in or out, and as of now you're out."

Q. And the in-group and the out-group, what did you understand him to mean by that?

15

A. I understand the in-group to be being a part of the group, doing everything he says, which if it included steroids, that would be a part of it. And the out-group means, I interpreted that as not wanting to be a part of the steroid program and not doing all the workout that he wanted me to do.

20

Q. So it was both the training and the use of anabolics that you saw formed part of what it meant to be a member of the in-group?

A. That's correct.

Q. And what was your decision?

A. It wasn't my decision. Like it was an

25

ultimatum.

Q. All right. And that ultimatum was that you were not part of the group?

A. I was part of the out-group then.

Q. Following that, did you go on and, in
5 fact, run at the Olympics in Los Angeles?

A. Well, I had to do -- during that timeframe, I had to run a 300 metres to prove fitness, which I did, and they thought I was well enough to run the open 400 metres, and I went on to run in the games, the
10 400.

THE COMMISSIONER: What do you mean by an open 400 metres?

A. As opposed to running the relay.

15 MS. CHOWN:

Q. And as we heard earlier, in fact, your relay team in the 4 X 400 received the silver medal?

A. That's correct.

THE COMMISSIONER: Well, did you run both,
20 the open and the --

A. Yes, I ran both.

THE COMMISSIONER: -- the relay?

A. Yes, I ran both.

25 MS. CHOWN:

Q. And in the 400 metres you placed ninth?

A. Correct.

Q. So when you returned then from the
Olympics, you considered your training relationship with
5 Mr. Francis to be over?

A. That's correct.

Q. Did you go to any other coach?

A. Some other coaches were recommended but
I didn't --

10 Q. Is it fair to -- I'm sorry, go ahead.

A. Go ahead.

Q. Is it fair to say then from the fall of
1984 up until early 1987, basically, you were training on
your own?

15 A. That's correct.

Q. And during that period, that is the fall
of 1987 to 19 -- I'm sorry, the fall of 1984 through to
1987, did you go back on any anabolic steroid regime?

A. No, I did not.

20 Q. You continued, as we heard in the
earlier part of your testimony, to compete actively during
the years 1984, 1985, 1986--

A. That's correct.

Q. -- and early 1987. And I understand
25 that it was in the summer of 1987 that you began to, shall

I say, mend your fences with Mr. Francis and once again have him give you some assistance with your training?

A. That's correct.

Q. And how did that come about?

5 A. Well, because between '83 and '87, I had made an agreement with Gerrard that because I had taken my certification courses, I was qualified to coach myself.

Q. And Gerrard is Gerrard Mach, the national coach?

10 A. That's correct. So during those years, I was responsible. I was self-coached, you know. Well, both Desai and I were self-coached during those years. And in the summer of '87, while Desai was away, Charlie started coaching me in an unofficial way. You know, he suggested workouts and he would time me when I was running, et cetera.

15 Q. All right. And you participated in the World Championships in the fall of 1987, and I understand after participating there, you continued to have discussions with Mr. Francis?

20 A. That's correct.

Q. And, in particular, you've told me about a discussion that you had with Mr. Francis in a donut shop in which you were going to talk about your training program?

A. That's correct.

Q. Was that in the fall of 1987?

A. That's correct.

Q. Okay. And you met with Mr. Francis, and

5 can you tell me the substance of the discussion, please?

A. The major part of our discussion was about training because he thought I was doing too much overdistance in training because I, during that time period when I wasn't working with him, I was plagued by 10 Achilles tendonitis. And he thought that was as a result of overtraining and doing overdistance.

Q. So he had some suggestions, did he, as to changes in your program that would be beneficial in reducing your injuries?

15 A. Yes, he did.

Q. And in that discussion in the donut shop in the fall of 1987, did the topic of anabolic steroids come up?

20 A. Well, not the word anabolic steroids, but he did mention if I -- he asked me if I was interested in taking -- if I was interested in chemicals or chemical stuff. I don't remember his exact wording but--

Q. He used some phrase such as the chemicals or chemical stuff?

25 A. That's correct.

Q. What did that mean to you?

A. I.e. anabolics.

Q. And, in particular, did it mean injectable anabolics?

5 A. Well, he did mention at that time that they were doing injectables, and when he mentioned, you know, I said I was scared of needles.

Q. And what was Mr. Francis suggesting to you or asking you in that discussion?

10 A. Well, he was suggesting that, you know, I had the choice -- I think he had already made it quite clear that I was welcomed to be a part of the group again if I wished to be and he also, I think he was also expressing that if I wanted to be a part of the chemical
15 program I could be.

Q. And did you give him any decision that day?

20 A. I don't believe I came to any firm decision. We just sort of left it like that and then a week or two later when training commenced, the Monday of whatever week it was in November, he called and said, you know, "Come over and get your shot, for your shot," and hence the shots started.

Q. I'm going to come to that in a moment.
25 Going back to this meeting that you had with Mr. Francis,

am I correct in understanding that Mr. Francis in fact wished to meet with both you and Mr. Williams?

A. That was the decision initially.

5 Q. And did you tell Mr. Williams about

this, that Mr. Francis wanted to meet both of you?

10

A. I think Charlie had already discussed it with Desai that he wanted to meet with both of us, and as it turned out, you know, Desai and Mark decided they were going to speak to Charlie separately. I don't know what was the content of their discussion. I would assume it was similar to the one I had.

15

Q. When you say you assume it was similar, you assume that Mr. Francis reviewed with Mr. McKoy and Mr. Williams returning to train, and as you called it, the chemicals, the injectables.

A. I guess they had the same options. He probably would have done the same thing, welcomed them back into the group and make the options available to them.

20

Q. And just so we're clear, I don't think we referred to this specifically, at the time you left Mr. Francis following the Olympics in 1984, what was Mr. Williams' relationship with Mr. Francis at that time as a coach?

25

THE COMMISSIONER: In '84?

MS. CHOWN: '84.

A. In 1984, he was not being coached by Charlie. I think in the fall of '83, he decided he didn't want to be coached by Charlie.

5

MS. CHOWN:

Q. And throughout the years of, fall of 1983, '84, '85 and '86, had Mr. Williams not been coached by Mr. Francis?

10

A. That's correct.

THE COMMISSIONER: Nor was Mark McKoy at that time?

A. That's correct.

MS. CHOWN: Yes. Thank you, Mr.

15

Commissioner.

MS. CHOWN:

Q. You said that following this discussion with Mr. Francis in the donut shop, perhaps a week or two later he phoned you up and asked you if you wanted to come over and get your shot?

A. Yes.

Q. And by shot, you took that to mean, I take it, the injectable anabolic steroid?

25 A. That's correct.

Q. And that was the Monday of the week that you were going to start training for the 1988 season?

A. That's correct.

5 Q. That would have been sometime at the end, middle or end of October 1987?

A. That's correct.

Q. Did you go to Mr. Francis' apartment?

A. That's correct.

Q. And did he inject you?

10 A. That's correct.

Q. And did you see him prepare the syringe?

A. I can't say I've seen him because, believe it or not, I'm still terrified of needles, so I figured the less I look.

15 THE COMMISSIONER: I can fully understand that.

MS. CHOWN:

20 Q. Were you aware on that occasion of the colour of the injection that you were receiving?

A. I believe it was, he was using the white, which was called the white stuff, the Estragol, Furazabol, whatever we were calling it, mixed with the inosine, so it was pinkish in colour.

25 Q. And at the time that you received that

first injection, were any other athletes of the Mazda group present in Mr. Francis' apartment?

A. At that time, Mark McKoy and Desai Williams were present.

5 Q. All right. And did you see either of them receive an injection from Mr. Francis?

A. I made it a practice to never look at anyone. So if they were there, I assume that's what they were there for, but I can't say I saw them receiving any shots.

10 Q. Were you present in the room while they may have been receiving injections or did you go off in a different room to receive the injections?

15 A. No, I would go in the bedroom by myself, and when they went, they would do the same.

Q. So as we heard from other witnesses, Mr. Francis kept the supply of drugs not in the living room, obviously, but in another room, a bedroom or an office, and an athlete would go in that office and receive an injection while others waited out in the living room?

20 A. That's correct.

Q. What dosage were you receiving, Miss Killingbeck?

25 A. I probably sound very ignorant, but I believe it was a quarter cc.

Q. And how many times a week, commencing in October '87, were you to receive this injection and for how many weeks?

5 A. Twice a week and that would go from, I believe, either the end of October or early November until the middle of December.

Q. So is that approximately six weeks?

A. Yes, approximately.

10 Q. And did you attend at Mr. Francis' apartment for all those injections?

A. Yes, I did.

Q. And you've indicated --

THE COMMISSIONER: Who administered those, Mr. Francis?

15 A. That's correct.

MS. CHOWN:

20 Q. You've indicated that Mr. McKoy and Mr. Williams were there at the same time you received your first injection. Over the following six weeks, did you see other athletes at Mr. Francis' apartment when you went there?

A. I can't say I have because usually Charlie would call me over just before we go to practice, and my apartment is just across the street from Charlie's

so it was just a two-minute walk over.

Q. Okay. You've indicated earlier that the substance you were receiving was sometimes referred to as the white stuff?

5

A. That's correct.

Q. And was the word Estragol also used by Mr. Francis or you?

A. I believe on occasion Charlie mentioned it to be Estragol.

10

Q. But in any event, did you have any doubt that what you were receiving from Mr. Francis was an anabolic steroid mixed with inosene and vitamin B-12?

A. I had no doubts.

15

Q. Was there any discussion at that point, since the injectables were new to you, about what the clearance time was?

20

A. I can't -- I can't recall discussing that, but I guess it was something that I would -- I was making the assumption that, you know, Charlie knows that. He was administering, and he knew when our first meet was so --

Q. All right. Did you notice any effects of receiving the injections of the substance that was called Estragol?

25

A. Yes.

Q. What were they?

A. The first two shots I received, it made me extremely tight, my muscles were extremely tight.

Q. Now, you mentioned tightness earlier
5 when you had taken Dianabol tablets. Was it similar?

A. No, this was, I think there were -- I think my muscles were maybe a lot more, a lot tighter.

Q. And were you able to complete the full cycle of shots through the six weeks?

10 A. I believe this time -- I think this was the first time I was ever able to complete a cycle.

Q. And did you notice any effect on your training?

15 A. Especially in the shorter runs, you know, for 30 metres and 60 metres, you know, my times had improved significantly, not just on one-runs. I was able to do repetition runs, faster times.

Q. Now, going into 1988, you ran in January in Hamilton, in Ottawa, in Sherbrooke and in Toronto. Is
20 it fair to say that your performances at those four meets were not your best?

A. That's correct.

Q. All right. And did you attribute this to anything in particular?

25 A. I knew it wasn't because of the training

because I was obviously having good workouts, but it was other things outside of training.

Q. And in the end of January, Ms. Issajenko, Mr. McKoy, Mr. Williams and Mr. Johnson went to Europe?

A. That's correct.

Q. But you remained in Toronto?

A. That's correct.

Q. And we've heard earlier that you were in Winnipeg in February and, in fact, there you became injured?

A. That's correct.

Q. And had some illness after that injury as well?

A. That's correct.

Q. However, you did participate in the Ontario Championships in February and won both the 60 and 200 metre?

A. That's correct.

Q. And in Windsor at the end of February, you had a personal best in the 60 metres of 7.44?

A. That's correct.

Q. Now, at the end of the indoor season, I understand that there was a meeting held at Ms. Issajenko's house. Do you recall that? It would have

been sometime in late February. February 25th, I believe, was the date.

THE COMMISSIONER: '88 now?

MS. CHOWN: Yes, I'm sorry, 1988.

5

A. I don't remember the exact date, but it was -- yes, sometime at the end of February. Myself, Mark McKoy and Desai Williams, we went to Angella's house and we were going to discuss the next cycle.

10

MS. CHOWN:

Q. The next cycle of steroids?

A. Yes.

15

Q. And in that discussion, was there also some discussion about moving Mr. Francis' supply of drugs to Miss Issajenko's house?

20

A. I'm not sure if it was on that particular occasion, but I know Charlie had concerns about keeping the steroids at his house because people had the key for his apartment and he didn't want it, I guess, he didn't want the steroids getting in the wrong hands, I suppose.

Q. All right. And were you participating in this discussion with a view to planning your own steroid cycle at that time?

25

A. That was my intention, yes.

Q. What decisions or what advice did you make with respect to that?

5

A. Based on the information that I had gotten from Angella, I was supposed to go on a similar cycle that I did before, I guess a quarter cc of Estragol or whatever we call it, and that would go another four -- whatever the duration would be. I don't remember.

Q. So a quarter cc twice a week?

10

A. For four or six weeks, whatever the duration was. But that was done in conjunction with the belief that we were going to be competing in the spring, early spring, I'm sorry, late spring of '88, and it would have allowed clearance time for the first meet.

15

Q. And were you also present for discussions of Mr. McKoy and Mr. Williams about their cycles, the planning of their cycles?

A. Well, they participated actively in the discussion.

20

THE COMMISSIONER: It was the same discussion, was it? You're all together?

A. Yes, we were all there.

THE COMMISSIONER: You were all there?

A. Yes.

25

MS. CHOWN:

Q. All right. And did Mr. Williams bring up some discussion about Anavar in your presence?

A. Yes, I believe he did.

Q. What was that?

5 A. I think Anavar would have been used instead of -- because Estragol was supposed to go in conjunction with Winstrol or whatever those little white pills were. I don't know the name. And that would be in the place of.

10 Q. Was Mr. Williams recommending the use of Anavar in place of some other tablet?

15 A. If I recall, I think he mentioned to Angella that it would be better to use the Anavar instead of the Winstrol or whatever the other pill was because you wouldn't be as stiff or something to that effect. I don't --

THE COMMISSIONER: Well, this program had both injectable plus steroid pills?

A. Yes, that's correct.

20 MS. CHOWN:

Q. And did Mr. Williams, in fact, have some Anavar in his possession at that time?

25 A. I don't believe he had any in his possession, but he had mentioned about buying some after

the World Championships in Rome in '87.

Q. So Mr. Williams had told you that he had bought some Anavar in Rome in 1987?

A. I don't remember if he told me specifically, but I remember -- it might have been on that same day we had a discussion. But I remember him talking about it.

Q. He told you at some point and it may have been in that discussion?

10 A. Yes.

Q. As a result of that meeting, did you then go on a cycle of a quarter cc of injectable Estragol?

A. Well, I was supposed to, but I didn't.

15 Q. And was that a personal decision that you did not wish to go forward with the anabolic steroids in the spring of 1988?

A. It was kind of a personal decision because of things that happened. Charlie didn't want us going to his apartment anymore for injections and he decided that we should take care of our own. And because -- well, things weren't right with Desai and I. He was supposed to be injecting me, but it didn't happen.

20 Q. And when you say that Mr. Francis said that he made a decision that athletes should take care of their own, by that do you mean take care of their own

injections of anabolic steroids?

A. Yes.

THE COMMISSIONER: I'm sorry, who was to inject you, Desai?

5

A. He was to, yes.

THE COMMISSIONER: But that didn't happen. I'm sorry. All right.

MS. CHOWN:

10

Q. Did Mr. Williams, however, obtain vials of Estragol from Mr. Francis for the purpose of carrying out an anabolic steroid program?

A. He obtained them from Mr. Francis, and what he did with them after, I don't know.

15

Q. And was that around this time that you had the discussion, that is late February or early March 1988?

A. I believe so, yes.

20

Q. And, to your knowledge, did he pay Mr. Francis for the Estragol?

A. I know he paid, well, for the shots I received in the fall because when I asked Charlie how much I owed him, he said not to worry about it because Desai had already taken care of it.

25

Q. All right. And so Mr. Williams obtained

a supply of Estragol from Mr. Francis, and that was the supply that he was going to use to inject you but those injections of you never took place?

A. That's correct.

5 Q. All right. And was the idea that you would inject him?

A. Yes, that was the idea, yes.

Q. And did you ever inject him with anabolic steroids?

10 A. No, I never did. Well, in fact, after the indoor season, we weren't getting along. I guess we were time-sharing the apartment then.

Q. So you were there at certain times and he was elsewhere and vice versa?

15 A. That's right.

Q. So you were not spending time together as you had in the previous years?

A. That's right.

20 Q. Did you ever see Mr. Williams either inject himself or receive an injection from someone else during that time?

A. No.

25 Q. So am I correct in understanding then that you did not go on the program in 1988 in the spring, and did you go on a program at any subsequent time in

1988?

A. No. The only thing I received during 1988 would be just plain inosine.

Q. And who gave you that?

5 A. Occasionally I would get it from Charlie or from Waldemar. That's Waldemar Matuszewski.

Q. Now, we've heard in the spring of 1988 that the group went to Guadeloupe in April for a training camp?

10 A. That's correct.

Q. Did you go on that training camp?

A. Yes, I did.

Q. And following that, in the summer you participated in the Nationals in Ottawa in August?

15 A. That's correct.

Q. And I understand in that competition you injured your knee?

A. Well, it was a re-injury because I had injured it on returning from Europe from our spring camp.

20 Q. And you, in fact, made a decision to go ahead with surgery on your knee at that time?

A. That's correct.

Q. And you remained in Toronto to have that surgery while the others went on to further competitions?

25 A. That's correct.

Q. Now, in the summer of 1988, before the Olympics, did you ever have any conversations with Miss Issajenko about growth hormone?

A. I believe in 1983, that was one of the decisions I made -- well, that was part of the reason I made the decision not to be part of the program anymore because they were talking about growth hormone, and at that time they were talking about extracting it from dead people.

10

15

20

25

Q. Not, they, persons were going to extract it, but you understood at that time that growth hormone was being extracted from dead bodies?

A. Yes. And I also thought at that time I finished growing when I was 18, and I didn't feel I needed to grow any more.

5 Q. All right. And so at that time was the first discussion that you had about growth hormone?

A. That's correct.

10 Q. It was not something that appealed to you in the least?

A. That's right.

Q. Now, in the summer of 1988, did you have a further conversation with Ms. Issajenko about her mixing up some growth hormone for Mr. Williams?

15 A. It wasn't a discussion as such. She mentioned to me that she had given some growth hormone to Desai.

Q. Had she mixed up the growth hormone herself?

A. That's what she said to me, yes.

Q. Do you recall when that discussion was?

A. I can't remember, but I believe it would be sometime after they had returned from Europe.

25 Q. All right.

A. And that would be I guess late August
or --

Q. Late August 1988?

A. It could have been, yes.

5 Q. Now, in September of 1988, did you leave Canada with the rest of the group going first to Japan and then on to Seoul, Korea?

A. That's correct.

10 Q. Now, in Seoul, as we heard earlier and you made a grimace on your face, you participated in the 4 X 400 relay?

A. That's correct.

Q. And that race, I understood, took place after the announcement of Mr. Johnson's positive test?

15 A. That's correct.

Q. All right. Tell us what happened in that race, please.

20 A. Well, at about the 300 meter mark, a runner from England, I believe, she was running too closely, and she knocked the baton out of my hand. It fell to the ground. So, we did not finish that race.

Q. All right. And there were some suggestions in the press --

25 THE COMMISSIONER: Was that a heat or was that in the first heat?

THE WITNESS: No, that was the final because in fact --

THE COMMISSIONER: In the finals. You made the finals, did you?

5 THE WITNESS: I didn't run in the preliminary round because of my knee injury.

THE COMMISSIONER: I see. So, the team made the finals and then you ran in the finals.

THE WITNESS: That's correct.

10 THE COMMISSIONER: What number were you?

THE WITNESS: I was the second runner.

THE COMMISSIONER: Second runner.

MS. CHOWN:

15 Q. When the baton was dropped, then that is the end of race and you are not able to finish?

A. That's correct.

Q. There were some suggestions in the press at that time that you had dropped the baton on purpose. Can you just respond to that, please.

20 A. Well, I think that was totally ludicrous, because -- well, anyone that knows me personally would know that is something that I wouldn't do because in a personal race maybe I would have taken a chance, but I know there were three other girls that were

relying on me. And if whatever chance I was taking it would not just -- it wasn't personal, like I had three other people to consider.

5 And the fact, if I had any doubts about not passing a test, there were two other girls that could have run in place of me. And if I didn't believe that I could have ran that race and done a good job, I could have declined from running.

10 THE COMMISSIONER: When is the last time you took steroids before the Olympics, do you recall? Were you given a protocol of when to take the drugs?

THE WITNESS: I think in some discussions we had like a 28-day clearance or 21, I can't remember exactly.

15 THE COMMISSIONER: So, you were taking -- did you leave with the group in September, was it?

THE WITNESS: That is correct.

20 THE COMMISSIONER: We have had heard some evidence that some were given a program indicating September 2nd to be the last day to take any of this so-called Estragol. Do you recall that.

25 THE WITNESS: That's right, but I don't believe I was a part of that -- well, not believe, I know I was not a part of that group, but I also remember when Charlie came back from Europe in August that year, he had

given me like two or three injections and that was post surgery on my knee, but even with two or three shots I don't think I would be in jeopardy.

5

MS. CHOWN:

Q. All right. Let me just get this clear. The program that you went on of injectables in 1988 started sometime in March of 1988?

10 A. No, I didn't receive any shots in March. I was supposed to.

Q. I am sorry, you were supposed to and you didn't --

THE COMMISSIONER: When did you receive any injections before leaving for Japan, do you recall?

15 THE WITNESS: It was sometime in August, I think it was August 25 or sometimes around -- because it was after they had returned.

THE COMMISSIONER: For about a two-week period, was it?

20 THE WITNESS: He had only given me I think two or three injections.

THE COMMISSIONER: By the end of August, early September?

25 THE WITNESS: Like they were all in

August.

THE COMMISSIONER: All right.

THE WITNESS: Because we left --

THE COMMISSIONER: Because you left I think very early in September?

5 THE WITNESS: I think we left -- I believe we left September 5th or --

THE COMMISSIONER: All right.

MS. CHOWN:

10 Q. And the injections that you received from Mr. Francis in late August, were they injections of the Estragol?

A. That's correct.

15 Q. So, you had had two or three injections and those were the only injections that you would have received in 1988?

A. That's correct.

THE COMMISSIONER: What was the date of your race.

20 THE WITNESS: It was October 5th.

MS. CHOWN: Actually I can --

THE WITNESS: No, it wasn't that late. I think it would be September 30.

25 THE COMMISSIONER: The finals of the 100 meters was September 24th.

THE WITNESS: But I was only there to compete in the 4 X 4 relay.

THE COMMISSIONER: Which was later, was it, that week?

5 THE WITNESS: Yes, that was the last day.

THE COMMISSIONER: I see.

MS. CHOWN: If we can believe this printout from the Athletes' Information Bureau, it lists your race as being August 5th.

10 THE COMMISSIONER: Pardon?

MS. CHOWN: I am sorry, I am on the wrong page. It listed it as being October.

THE WITNESS: I believe it would be September 30, October 1st.

15 MS. CHOWN: October 1st?

THE WITNESS: Because I returned on the 2nd or 3rd, yes.

20 THE COMMISSIONER: Well, it doesn't matter, the exact date is not important. It was a week after the finals of the 100 meters, approximately?

THE WITNESS: Yes.

THE COMMISSIONER: Is that sort of the closing event of track and field pretty well, the last day?

25 THE WITNESS: Usually, yes.

MS. CHOWN:

Q. So, it was your belief that you had no hesitation about undergoing a test, that you believe that whatever shot you received in late August would have
5 cleared?

THE COMMISSIONER: You said something about 28 days, is that the clearance time you thought was appropriate?

THE WITNESS: That's correct. And I even
10 had some of the times coaches during the Olympic Games that came up to me and said if you were taking whatever Ben was on, then you don't -- if you don't want to run because you have a -- the perfect alibi, i.e., my knee surgery, then they would -- they would just say my knee
15 hurts. So I wouldn't have to run if I didn't want to.

THE COMMISSIONER: But you felt that you had plenty of clearance time if you are not running till October?

THE WITNESS: That's correct.

20 MS. CHOWN:

Q. When you returned to Canada in October of 1988, did you have -- you mentioned this earlier and I just want to put it into context, is that the time at
25 which you had the conversation with Mr. Williams about the

bottle of Dianabol tablets that you had in your apartment?

A. Actually, I had forgotten that they were there, because I was clearing out some things and opening this trunk I saw it there. And I showed him the bottle, and I said, what would you like me to do with this. And he said flush it down the toilet, which I did.

5 Q. And also at some point after your return to Canada, did you have a conversation with Dr. Astaphan about Mr. Williams owing him money?

10 A. He called one day to say that Desai owed him \$500.00.

Q. What was that for?

A. He said it was for growth hormone that Desai had got from him.

15 Q. And just to complete the picture as we started out at the outset, you have gone on since the Olympics to continue to train and compete. And we reviewed the races that you have run in 1988 and it is still your intention to continue competing?

20 A. That's correct.

MS. CHOWN: Thank you, Ms. Killingbeck -- I am sorry. Thank you, Mr. Commissioner.

MS. CHOWN:

25 Q. Ms. Killingbeck, if I might come back

to the February-March period of 1988, we reviewed the fact that you were aware that Mr. Williams had purchased some Estragol from Mr. Francis?

A. That's correct.

5 Q. And am I correct in understanding that you actually saw Mr. Williams with some U.S. cash, and it was your understanding that he was going to use that or did use that to pay Mr. Francis?

10 A. I know he paid him in U.S. cash for the stuff in the fall. And he had mentioned about paying him in the -- but I can't remember specifically in the spring because, you know, then we were neither here nor there, so, but I would assume that he would have paid Charlie in U.S. funds.

15 Q. When you say you know he paid him for the stuff in the fall, you are referring to?

A. And Charlie did confirm that Desai paid him.

Q. And did you see --

20 THE COMMISSIONER: Paid him for this money? I thought you said -- he was talking about Mr. Francis not Dr. Astaphan?

THE WITNESS: Yes, Mr. Francis.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. Did you see the vials that he obtained from Mr. Francis?

A. Yes, because initially when he received them he had them in the apartment and they were kept in a briefcase.

5 Q. What did these vials look like?

A. They were brown -- well, little brown bottles. I believe the Estragol, I can't remember if it was in a brown bottle or a clear glass bottle, but just 10 little bottles with rubber seals in a foil around the seals.

15 Q. You say that Mr. Williams kept these bottles in a briefcase in the apartment that you and he shared?

A. Yes, that's correct.

MS. CHOWN: Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you. Mr. Barber, have you any questions.

20 MR. BARBER: I have a few, Mr. Commissioner.

---- EXAMINATION BY MR. BARBER:

25 Q. Ms. Killingbeck, my name is Tom Barber and I represent the Sport Medicine Council.

In your evidence you said that you first discussed steroids with Mr. Francis in the fall of 1982, correct? Did I understand that correctly?

A. Yes, I believe so, yes.

5 Q. And from my note the information that he gave you was that the steroids would make you stronger and would reduce your injuries?

A. That's correct.

10 Q. What what was the nature of the injuries that you suffered from on a recurrent basis?

A. I don't understand your question.

Q. Did you suffer from tendon pulls, muscle pulls?

15 A. Very frequently muscle pulls, tendonitis, and things of the sort.

Q. Muscle and tendon problems?

A. Yes.

Q. Is that right?

A. Yes.

20 Q. And what other information did Mr. Francis give you with regard to anabolic steroids then before you started to take them?

A. At that time, I believe that's what the information he had given me.

25 Q. That's all the information that they

would make you stronger and they would help your injuries?

A. I believe so, yes.

Q. Did he talk to you at all about the possibility of side effects from taking steroids?

5 A. At that time I don't think he mentioned.

Q. Did he ask you whether or not you were under medical supervision?

A. No, he didn't.

10 Q. Did he suggest to you that you should go and have a medical examination before you start taking steroids?

15 A. No, he didn't, but I think there was an understanding because I do have frequent checkups with my doctor.

Q. Did he ask you whether you had had a checkup recently?

20 A. Well, he would always know when I would go to the doctor. I made it a practice to go I think every three months or so.

Q. All right. And during the time that you were taking steroids, did you continue to see a doctor on a regular basis?

A. Yes, I still continue.

25 Q. And did you make your doctor aware that

you were taking steroids?

A. No.

Q. Was there any indication to the doctor
that perhaps some additional testing should be done for
whatever reason, did you say --

5

10

A. From time to time because I had
problems with my hemoglobin. I usually have to go through
a series of tests, but nothing that I would bring to his
attention. And from time to time, I do go to see a
hemotologist and if he saw any problems with blood, for
example, he would make recommendations.

Q. But I take it neither of these doctors
or none of these doctors were made aware that you were
using steroids?

15

A. That's correct.

Q. So, they would have no particular
reason to look for anything that might be arising as a
result of the steroid use?

A. That's correct.

20

Q. You said that in the fall of 1983, you
decided to go off the drug part of the program, and part
of your reason was because growth hormone was going to be
used?

A. That's correct.

25

Q. You said that didn't sit well with me,

and perhaps from a later answer it became clear, but was that because this was a substance that was being taken from human bodies?

A. That was part of the reason.

5 Q. You said you also had health concerns?

A. Well, based on what I had heard in Caracas.

Q. What you had heard in Caracas was with reference to anabolic steroids, correct?

10 A. That's correct.

Q. So, the health concerns that you developed in the fall of 1983, were with regard to the use of anabolic steroids?

A. That's correct.

15 Q. You decided to go off the steroids?

A. That's correct.

Q. And is it fair to conclude that your falling out with Mr. Francis, which occurred in the spring of 1984; is that right?

20 A. It was the summer of '84.

Q. Summer of '84, when he said to you you are either in or you are out, and in your case you are out?

A. That's correct, yes.

25 Q. That part of that was because you had

decided not to continue with the steroid program?

5 A. That was probably part of the reason because I remember having discussions with Charlie where he said he couldn't believe that after I had made such significant improvements in 1983, why I wouldn't want to go on the program any more.

Q. As far as he was concerned if you weren't going to continue using steroids, you weren't part of the in group?

10 A. I guess that was a big part of the decision when he made it, yes.

Q. In the fall of 1987, you had a meeting with a view towards re-establishing a coach-athlete relationship?

15 A. That's correct.

Q. And is it fair to conclude that part of that meeting was that if you were going to come back and be part of his group, then you were going to get involved in the drug part of that program as well?

20 A. I think I was given an option, and it was a decision that I made consciously.

Q. Was it clear to you that Mr. Francis felt that that should be part of the program, and if you were going to come back, you should come back and participate fully including the drugs?

A. I believe I had an option, I had a choice.

Q. Did he make his view clear, though, that he thought you ought to do it?

5 A. No, because he -- well, he did ask me if he wanted to be a part of -- if I wanted to use the chemicals. So, by him asking me I think he was giving me the choice to make the decision.

10 Q. But I thought understood you said you didn't give him an answer that day?

A. But also from the fact that he called me and I went, I also had the choice to say no.

Q. You didn't give him an answer that day, correct?

15 A. No, we just sort of left it, that's correct.

Q. The next that happened is he called you up and said come over for your shot?

A. Yes.

20 Q. And the point you are making is that you didn't have to go if you didn't want to?

A. That's correct.

25 Q. In the fall of 1987, at the time that you resumed using steroids, did Mr. Francis discuss with you the question of side effects?

A. I don't believe he did.

Q. Did he give you any information about the possibility of side effects?

A. No, I don't believe he did.

5 Q. Did he suggest that you go and have a medical examination before you recommenced a drug program?

A. I don't believe he did. That's something I would take care of myself.

Q. You said that when you started on to that program within one or two shots, you had muscle tightness and it was even worse than it had been with the Dianabol?

A. That was the initial shots I had extreme tight muscles, extremely tight muscles.

15 Q. Did you tell Mr. Francis about that?

A. Yes, I did.

Q. He basically suggested that you should just work your way through it?

20 A. I can't remember exactly what his suggestions were.

Q. Clearly he didn't suggest that you stop?

A. Well, I said I had a choice at that time, so, you know.

25 Q. This is your coach now, you started on

the shots, and you have got extreme tightness of your muscles, correct?

A. That's correct.

Q. You told the coach about it?

5 A. That's correct.

Q. Did the coach said, well, stop using the Estragol?

A. No, he didn't say that.

10 Q. You were injured in February of 1988 in Winnipeg; is that correct?

A. That's correct.

Q. And there is then a discussion in the spring of 1988 about -- which I understand took place at Miss Issajenko's apartment?

15 A. That's correct.

Q. About the spring cycle --

A. That's correct.

Q. -- that you would go on. Were you still suffering from the injury at that point?

20 A. I don't believe so, because there was an -- it was a muscle injury I had in my foot, and the reason I received it because I was running 60 meters and we didn't have enough room to slow down and I had to, well, jam on the brakes. So, it was -- it wasn't anything that was that severe.

Q. So it probably cleared up in a relatively short period of time?

A. Yes.

5 Q. You gave your various reasons for not going on to a steroid program in the spring of 1988. You were still training with Mr. Francis, though?

A. That's correct.

Q. And did you say to Mr. Francis "I am not on the steroid program"?

10 A. No.

Q. Did you keep that to yourself?

A. Yes.

Q. Because you knew he expected you to be on the steroid program?

15 A. Well, because -- yes.

Q. Because that was part of his program, right?

A. I don't understand what you are getting at.

20 Q. Steroids were part of his program; he expected that you were on the steroids?

A. Yes, because he -- what I did in training i.e. running would be in conjunction with what with -- yes, with injections, yes.

25 Q. You thought that the better course of

action was to not tell him you weren't taking steroids?

A. And that again was a decision that I made like I -- I could have told Charlie and he probably would have -- I don't know what he would have decided to do, but ultimately the decision was always up to me what I do.

5 Q. But your decision was to not take them, and you have told us there were various reasons for that?

A. That's correct.

Q. But you also decided that you better 10 not tell Mr. Francis?

A. Yes.

Q. You were injured again, am I correct, in the summer of 1988?

A. Late spring of '88.

15 Q. What type of injury was that?

A. It was a knee injury.

Q. Was it a tendon injury in the knee?

A. I believe it was.

20 Q. And I take it this was something that continued to trouble you all the way through. I gather it was still a factor in Korea?

A. Well, for all the years I have been competing, I always have one injury of some sort.

25 Q. But I am talking about the particular injury, the tendon injury in your knee which occurred in

the spring of '88. I thought I understood that you said you didn't run in the preliminary rounds of 4 X 400 in Korea because of your knee?

A. Because I was post-surgery, yes.

5 Q. So that the knee injury which required an operation, continued to be a problem for you from the time it happened in the spring of '88 right through until the Olympics in August of '88.

A. That's correct.

10 Q. Or September of '88. Was Mr. Francis aware of that injury?

A. Yes, he was because --

Q. And yet notwithstanding a tendon injury to your knee, he gave you shots Estragol in August of
15 1988?

A. After surgery, yes, because I injured my knee when we were in Spain. Well, my knee started bothering me while we were in Spain at a training camp. When we returned to Toronto, I was doing a training run
20 one day and I twisted it and I tore something.

I continued to get treatment on it but I wasn't able to run around the turns for maybe about a month. Then I went to the outdoor national championships, and in the preliminary rounds, my knee got worse. I was advised by Dr. Clement and Dr. Luba and also Gerrard that
25

I didn't have to compete if I didn't want to. I made a decision then to compete, my knee got worse, and then two days later I had surgery.

5 Q. I am sorry, when was the surgery, was it in June or July?

A. In August right after the national -- two days after the national championships.

Q. So, it's within days of the surgery that you got Estragol shots?

10 A. No, it was weeks because --

Q. Within the same month?

A. Yes.

Q. And you are aware that the effect of steroids is to cause increased muscle development?

15 A. That's right.

Q. And that the danger is that the muscles may overpower the tendons?

A. Yes.

20 Q. And Mr. Francis was well aware of that, too?

A. I assume so, yes.

MR. BARBER: Thank you.

THE COMMISSIONER: Thank you, Mr. Barber.

Mr. Bourque, do you have any questions.

25 MR. BOURQUE: Yes, I do, Mr. Commissioner.

THE COMMISSIONER: All right.

---- EXAMINATION BY MR. BOURQUE:

Q. Good afternoon, Ms. Killingbeck, my name is Roger Bourque and I represent the Canadian Track and Field Association.

Were you ever a member of the Canadian Track and Field Association Athletes' Council?

A. Yes, I was.

Q. And during what period?

A. Well, in an official way between '84, '85. I think I became officially a member in the fall of '85, and I was a member up until last year.

Q. And I am sorry, until when in 1988?

A. Yes.

Q. But when particularly in 1988?

A. When they elected a new sprint captain in the summer of '88.

Q. And can you briefly describe the functions of that body?

A. Well, the Athletes' Council, we had -- well, we shared many concerns, athletes' concern, doping control was one of those, team uniform issues, team conduct, you know things of this sort.

Q. Right. Would it be fair to say that it

was the function of the Athletes' Council to identify the concerns of track and field athletes throughout Canada and to take those concerns to the CTFA and express them there?

A. That's correct.

5 Q. And can you tell us more particularly what was the position of the Athletes' Council respecting the implementation of an out-of-competition testing program by the CTFA?

10 A. I think the Athletes' Council was in favour of implementing random testing.

Q. I suggest to you, however, that the Athletes' Council was also interested in ensuring that a level playing field was available for Canadian athletes internationally. Is that fair?

15 A. That's correct.

Q. And in that regard, did the Athletes' Council not at some point make representations to the CTFA that it should lobby the IAAF into making out-of-competition testing a requirement for all national federations before implementing its own program?

20 A. That's correct.

Q. And when did the Athletes' Council first bring forward that position?

25 A. I can't remember the exact date, but on many occasions when we had meetings we always spoke about

having a SWAT team that would be responsible, an international SWAT team that would be responsible for doping control.

Q. All right.

5 THE COMMISSIONER: I am sorry, international SWAT team, you said?

THE WITNESS: Well, we called it a SWAT team, an international body that would --

THE COMMISSIONER: International body.

10 THE WITNESS: Yes.

MR. BOURQUE:

Q. Would it be fair to say that those discussions that you had in the Athletes' Council go right back to your initial involvement in that body?
15

A. I would say so, yes.

Q. Back to '84 and '85?

A. Yes.

Q. And aside from discussing that position within the Athletes' Council, did you or the Council do anything about taking that position or that concern to the CTFA?
20

A. The counsel made a recommendations on many different occasions to CTFA.

25 Q. In fact, the Athletes' Council

nominated a representative to the board of directors of the CTFA; is that in the correct?

A. That's correct.

5 Q. And through that director, whoever that director may have been from time to time, this position was continually put to the Board of Directors of the CTFA?

A. That's correct.

THE COMMISSIONER: May I just clear that. Was it the position of your Council that there should not be random testing in Canada unless it was done at an international scale? Is that the position? In other words unless it's done internationally by some international SWAT team as you call it, you were opposed to just having this done in Canada?

15 THE WITNESS: Well, We wanted it done in Canada but we also felt it should be done --

THE COMMISSIONER: It should be done throughout the world.

THE WITNESS: Yes.

20 THE COMMISSIONER: And if not done throughout the world, not do it in Canada.

THE WITNESS: I think so, yes.

THE COMMISSIONER: All right.

25 MR. BOURQUE: Thank you, Mr. Commissioner.

THE COMMISSIONER: Okay.

MR. BOURQUE:

Q. Now, was there ever any discussion on
5 the Athletes' Council as to a deletion by athletes of the
clause in the athletes' agreement with the CTFA respecting
an agreement to out-of-competition testing?

A. I don't think we ever discussed the
deletion from our clause.

Q. All right. Do you recall any
10 discussion in the Canadian track and field community at
any time respecting a deletion of such a clause?

A. No, I can't say I recall that.

MR. BOURQUE: All right. May I have
15 indulgence for a moment, Mr. Commissioner.

THE COMMISSIONER: Did you delete it from
your contract?

THE WITNESS: No, I never did. The only
thing I ever deleted from any contract I think things that
20 had to do with team uniforms.

THE COMMISSIONER: I see.

MR. BOURQUE: I am sorry, Mr.
Commissioner.

MR. BOURQUE:

Q. I am sorry, did you just say you did make a deletion in one of your contracts?

5 THE COMMISSIONER: No, she said she did not delete the clause for agreeing to random testing, but she did delete a clause for uniforms, I think you said?

THE WITNESS: And I think I might have deleted things that had to do with the ARF, the Athletes' Reserve Fund, but --

10 THE COMMISSIONER: What's the ARF?

THE WITNESS: The Athletes' Reserve Fund.

MR. BOURQUE: All right. Thank you, Mr. Commissioner, I have no further questions of this witness.

THE COMMISSIONER: Thank you. Mr. Pratt.

15 MR. PRATT: Just a few questions, Mr. Commissioner.

--- EXAMINATION BY MR. PRATT:

20 Q. Good morning, I am Allan Pratt representing Charlie Francis. I just want to go into a few of the matters that you have gone through, particularly as they relate to Mr. Francis.

I think you told us that you first received pills from him in about May of 1982; is that right?

25 A. That's correct.

Q. I wonder if you could just explain briefly how what discussion occurred prior to that? How did this subject arise between you and Mr. Francis that led you to receiving these pills?

5 A. I can't remember the exact details, but, you know, we did spoke about taking the steroids and, you know, we talked about -- well, I knew why I would be taking them, you know, the end result would be running faster.

10 Q. If I recall correctly, Mr. Francis gave evidence that you approached him through Mr. Desai Williams. Would that be correct in your recollection?

A. I can't recall, but, you know, it is possible.

15 Q. You and Mr. Williams were close at this point I think you have said?

THE COMMISSIONER: This is the fall of '82, now?

MR. PRATT: This is in May of '82 or immediately prior, I would say.

20 THE COMMISSIONER: All right.

MR. PRATT:

Q. Had you and Mr. Williams discussed the use of anabolic steroids together at that time before

receiving the pills from Mr. Francis?

A. I don't think -- I haven't on any particular occasion discussed steroids with Desai. I think the only time he was really open about it was in the fall of '87, but prior to that I mean he -- I know he purchased what I was taking from Charlie, but we never sat down and discussed.

5

Q. So, he wouldn't have confided to you -- well, perhaps, generally, in that first period before you left, you ceased your association with Mr. Francis, had you and Mr. Williams had any discussions about his use of anabolic steroids?

10

A. Not about his use, no.

15

Q. Now, Mr. Francis I think you mentioned, I am sorry, you mentioned I think in relation to Mr. Barber's question a few moments ago that you had a family doctor and that you saw a hemotologist I believe, frequently?

A. Yes.

20

Q. Did Mr. Francis know about this doctor?

A. Well, he knows I -- well, one of the reasons I visit the doctor frequently is because I have problems with my hemoglobin. And so from time to time and Charlie always knew that I was going regularly.

25

Q. Now I think you mentioned that the

decision and in relation really to the 1987 and the 1988 episode you have told us about the decision was always up to I think you said "the decision was always up to me". Is that fair?

5

A. I believe so, yes.

Q. Now, in relation to your, let's say your first period being coached by Mr. Francis, would that be a fair characterization of the decision to take steroids as well?

10

A. Yes, I think -- I think it was always -- the ultimate decision was always up to me.

Q. Now, I just want to ask you a few more questions about the bottle of tablets that you believed Mr. Williams had obtained from Mr. Francis.

15

Was there anyone else in the apartment who would have access to the bottle that you have told us about?

20

A. Well, the bottle was kept -- between 1983 and -- until last year when I threw it out, it was kept in a trunk. It wasn't very -- it wasn't easily accessible. It was kept in a trunk inside a cupboard and there were things stored up on top of that trunk. And the only reason I remember the bottle was there, the only reason I saw the bottle again, because we were clearing things out in the fall and on opening the trunk I

25

saw the bottle there. And I asked Desai, I said what do you want me to do with it, and he said flush it down the toilet.

Q. So, Mr. Williams knew about this bottle
5 and where it was all along, I take it?

A. I assume he knew where it was, yes.

Q. Would you take daily or whenever
10 required to take a pill would you go to the trunk, uncover the bottle, and then take a single pill out or whatever number of pills that were required on that occasion, is that how it would work?

A. No, because whenever I was taking -- I would have the amount that I needed, and that was kept in a smaller container which I probably have on my person.

15 Q. I see. Were you -- would you have been aware if the number of pills in the bottle had diminished by someone else taking them out?

A. No, because I don't know how many there were to start with, but I also -- I believe I would know if -- well, if someone had -- was accessing that.

20 Q. Well, let's say if Mr. Williams were using the pills as you assumed, would you have noticed the levels of pills decreasing as a result of his use?

A. Because I don't know how many there were to start with and like it's a brown bottle and it's I

guess you would have to open it to actually see the amount.

Q. It's not transparent?

A. No, it wasn't.

5 Q. I see. Right now the disagreement I think you called it with Mr. Francis in 1984, you mentioned steroids as being part of the I guess the -- what you described as the in group and the out group dichotomy that Mr. Francis referred to.

10 Now, you mentioned I think this earlier this morning that you had disagreements about the quantity of the work and the number of repetitions in your training program; is that right?

A. That's correct.

15 Q. And that I think you said that you wanted to work harder than Mr. Francis' program called for?

A. That's correct.

20 Q. Now, would you -- have you had a chance to compare Mr. Francis' training programs with those of other coaches of sprinters?

A. No.

25 Q. Did you have an on-going discussion with Mr. Francis about the quantities of work in your program?

A. Yes.

Q. And did you continually disagree with him about some elements of the program?

5 A. Yes -- well, it got to the point where we -- instead of arguing with him, like if he said to do two I would do four, if he said six I would probably do eight.

10 Q. In other words, you simply weren't following his program by the time prior to this parting of the ways?

A. That's right.

15 Q. So is it possible that when Mr. Francis talked about the in group and out group, he wasn't simply talking about those who were using steroids and those who weren't, but those who choice to follow his recommendations as a coach in relation to training and those who didn't?

A. Yes, I think I did allude to that fact.

20 Q. All right. Now I think you just -- just to finish this up, in 1987 you have told us about going back on a steroid program and following up on the discussion with Mr. Francis in the doughnut shop I think. You told us that you believe, and I think my recollection is you were a little vague, on the exact dosage involved, and you thought it was a quarter cc, I think. Is that

what you said?

A. I think that's what it was.

Q. Mr. Francis has already given evidence
that he believed your dosage was an eighth of a cc; would
5 that be possible?

A. It's possible, like he was doing the
preparation but --

MR. PRATT: Those are my questions.

THE WITNESS: It's the same with the
10 pills like if there were 5 milligrams, I knew it was one
pill or 2 pills, but I never paid particularly close
attention to the exact dosage. And one thing Charlie did
mention in regards to the side effects, he said dosages
were in fact so low that he didn't think there would be
15 long term side effects, if anything.

MR. PRATT:

Q. So, you did have a conversation. This
is when, in 1987 now?

20 A. Yes, the same conversation in the
coffee shop.

Q. Do you recall that Mr. Francis told you
at that time what the dosage would be in terms of cc's?

A. I don't recall.

25 Q. All right. But you have told us that

there was some discussion about the dosage and it's
interrelation with side effects.

Thank you.

THE WITNESS: Yes.

5 THE COMMISSIONER: We will adjourn until
2:30 now.

---- Luncheon recess.

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THE COMMISSIONER: Mr. Sookram, do you have any questions?

MR. SOOKRAM: Yes.

5

MR. SOOKRAM:

Q. Miss Killingbeck, my name is David Sookram. I'm representing Dr. Astaphan in this proceeding.

10 THE COMMISSIONER: I think we all know that by now, Mr. Sookram.

MR. SOOKRAM: Thank you.

THE COMMISSIONER: You can pass out your card on the way out.

15

MR. SOOKRAM:

Q. I gather this morning that your first meeting with Dr. Astaphan was not arranged by you?

A. No, it wasn't.

20

Q. You had no knowledge that you were going to meet him?

A. No, I didn't.

Q. Had you seen Dr. Astaphan before that day anywhere?

A. No.

25

Q. Had he seen you, to your knowledge?

A. I suppose he might have seen me competing, but not to my knowledge, no.

Q. And you had never been his patient before that day?

5 A. No.

Q. And on that day when you saw him, you weren't his patient either?

A. No, I happened to be there because Charlie was there and I was with Charlie.

10 Q. And you didn't ask to become his patient?

A. No.

Q. And he didn't ask you to become his patient?

15 A. No.

Q. You told the Commissioner this morning that no drugs were mentioned in that discussion; is that right?

20 A. Well, not directly. Charlie mentioned that I had taken anabolics before, and leading from that, Jamie mentioned about, you know, he thought I was small.

Q. You were small?

A. Yes.

25 Q. And that was the gist of the conversation?

A. Yes.

Q. And the next time you saw Dr. Astaphan
was in 1984?

A. That's correct.

5 Q. Yes. You were injured at the Utah camp?

A. Yes.

Q. Is that right?

A. That's correct.

Q. And you returned to Toronto for
10 treatment. You saw a Dr. Clement?

A. No, I saw Dr. Clement at the outdoor
championships, which was later.

Q. And what did he diagnose?

A. That I pulled my quadricep muscles.

15 Q. And you saw another doctor there as
well, did you not?

THE COMMISSIONER: Dr. Bull, you said.

A. Dr. Bull, he works in Toronto at the
Bobby Orr Sports Centre.

20

MR. SOOKRAM:

Q. I see. And what did he diagnose, if
anything?

25 A. Well, the initial injury was just a
strain and I went on to make it worse when I re-injured it

at the National Championships in June.

Q. How did you come to go to Dr. Astaphan there?

A. Charlie believed after I injured my muscle the second time that the treatment I was receiving at the Bobby Orr Clinic was not what I needed.

5 Q. Did you agree with Charlie?

A. Yes.

Q. So you came to see Dr. Astaphan?

10 A. That's correct.

Q. That was about three to four weeks before the Los Angeles Olympics; is that right?

A. Actually, there would have been more time because we had a championship in June, the middle of June or end of June, and that would be prior to departure for the training camp.

15 Q. And Dr. Astaphan treated you?

A. Well, he gave me prescriptions for the injury. He didn't actually treat me. We used the Diapulse machine that Cheryl mentioned this morning and also there was a therapist there. He gave me a friction massage on my injury.

20 Q. Dr. Astaphan supervised it all?

A. Yes, he did.

25 Q. He didn't prescribe any steroids?

A. No, he didn't.

Q. And shortly after you took part in the Olympics and you won two medals?

A. One.

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Q. One only?

A. Yes.

MR. SOOKRAM: I wish it were two. Thank you very much.

THE COMMISSIONER: Mr. Futerman?

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MR. FUTERMAN:

Q. Good afternoon, Miss Killingbeck. I'm Ed Futerman. I represent Ben Johnson. I'm not as well known as Mr. Sookram.

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THE COMMISSIONER: You got it in ahead of my objection. You're too fast for me.

MR. FUTERMAN: Not quick enough but I'm going to try to learn.

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MR. FUTERMAN:

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Q. Miss Killingbeck, is it fair to say that during the period of time that Charlie Francis was your coach that Charlie Francis exercised considerable influence over the members of the group of athletes who trained under him?

A. That's probably a correct assumption.

Q. And that even though, as my friend Mr. Pratt has suggested to you, that one of the reasons that you had this difference of opinion in 1984 with Charlie Francis was the training? The training program that he suggested was somewhat different than the one that you wanted to follow. There is no question in your mind that part of that training program that Charlie Francis expected you to be on was a steroid program as well?

10 A. Can you repeat the question?

Q. Yes, I'll put it another way. In addition, part of the training program that Charlie Francis expected of you was the steroid program? He expected you to be on the steroids as well as follow the training program that he had suggested if you wanted to be part of the inner group?

15 A. That was what, a decision he made later in the, in the summer of '84.

20 Q. Yes, that's what I'm referring to. That for you to be part of that inner group, you had to be both following the training program that he suggested as well as the steroid program?

25 A. I guess in that particular case, you could say yes because he said there was an in-group and an out-group, and at that time I believe there were other

people in the group that weren't on steroids. So I believe that was unique to my situation at that time, yes.

MR. FUTERMAN: Okay. Thank you.

THE COMMISSIONER: Miss Pinheiro.

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MS. PINHEIRO:

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Q. Miss Killingbeck, I would just like to review some of the evidence that you gave earlier. You have told us about your own steroid use. Now, in all of the instances where you were involved in a steroid program, was it your decision to commence the steroid program?

A. The final decision was always left up to me, yes.

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Q. And do you take full responsibility for becoming involved in the steroid program?

A. Yes, I would say so because I was fully aware of the consequences, and it was a conscious decision that I made.

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Q. Now, you left Mr. Francis in '84, but you returned to Mr. Francis in '87. Can you tell us why you decided to return to Mr. Francis in 1987?

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A. When I made a final decision, I believe, and I still do, that Charlie was one of the best coaches, and he was, obviously, by far the best sprint coach in

Canada, and that was a major part of my decision.

Q. Now, you told us earlier that when you went to speak with Mr. Francis to determine whether or not he would become your coach, you said he gave you an option as to whether or not you would become involved with chemicals again?

A. Yes, he did give me an option.

Q. And, again, it was your decision to become involved with chemicals?

A. That's correct.

Q. Now, you mentioned in March of 1988 that there was a proposed cycle of steroids that you didn't take?

A. That's correct.

Q. In your examination -- in your lead examination with Ms. Chown, you explained to us that you didn't want to rely on Mr. Williams because you and Mr. Williams were experiencing problems at that time?

A. That's correct.

Q. Now, in your cross-examination by Mr. Barber, you said that you didn't tell Mr. Francis that you weren't taking steroids?

A. And the reason I didn't because it would -- I would have too much to explain from a personal standpoint, not from, not because I thought Charlie

wouldn't coach me again or anything like that. I just thought it was a lot easier.

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THE COMMISSIONER: That was because of your personal relationship with Mr. Williams and you didn't want that discussed; is that what you're saying?

A. Correct.

MS. PINHEIRO:

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Q. Just one final question, Miss Killingbeck. Have you ever felt pressured or manipulated by either Mr. Francis or any member of the Mazda Group into becoming involved in the steroid program?

A. I would say no.

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MS. PINHEIRO: Thank you. Those are my questions.

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THE COMMISSIONER: I just have a question that was perhaps overlooked this morning. I think you told us that in August of '88, you did receive some injections, steroid injections, before leaving for Tokyo?

A. That's correct.

THE COMMISSIONER: And who gave you those?

A. Mr. Francis did.

THE COMMISSIONER: And where was that now?

A. Where?

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THE COMMISSIONER: Um, hm.

A. That was at his apartment.

THE COMMISSIONER: I see. And that was in your final training schedule getting ready for the Olympics?

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A. That's correct.

THE COMMISSIONER: Thank you very much for your assistance, and I hope you get the teacher's contract.

Mr. Armstrong?

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MR. ARMSTRONG: Thank you. Mr. Commissioner, we're then ready to pick up Mr. Earl.

Ross Earl, previously sworn:

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MR. ARMSTRONG: Thank you, Mr. Commissioner,

MR. ARMSTRONG:

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Q. Mr. Earl, when we had adjourned for the day yesterday afternoon, you were leading us through the various organizational changes and name changes of the Scarborough Optimists Track and Field Club from the time of its inception really initially as the East York Mercury Track and Field Club, then the Scarborough Optimists Track and Field Club, and we had gotten as far as 1984 where you described the change that had taken place as a result of

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the Canadian Track and Field Association suggesting that
the organization should become associated with a
university because of the view of the Canadian Track and
Field Association that the club experience had been a
failure. You told us that the group then changed its name
5 to the York University Optimists Athletic Club and that
the elite group and older group from 16 up were associated
with that organization under that name but that the 15 and
under age group continued under the auspices and name of
10 the Scarborough Optimists Sport Association?

A. Yes.

Q. Have I fairly summarized where we were
when we left off?

A. Yes.

15 THE COMMISSIONER: And before the split, how
many did you have in the, what was called the Scarborough
Optimists Club?

A. We were probably around 350 people.

THE COMMISSIONER: Before the move to York?

20 A. Yes.

THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG:

25 Q. All right. I'm going to come back to
1984 in just a moment and your frustrations at the time,

but let's just complete the picture, if we can. You ran
for, I think, two years under the banner of the York
University Optimists Athletic Club, or at least the elite
group and the older group did, and then in 1986, I think
5 that's really where we were at yesterday afternoon,
another change took place. And can you just take a moment
to describe what the change was and why it took place?

A. What happened at that particular time
was that we were having a lot of problems having the
10 C.T.F.A. live up to commitments that they had made to the
club. And I asked for a meeting with the president of the
Canadian Track and Field Association. We met, and,
basically, we were told that a lot of things that were
supposed to come down the pipe would not be coming down
15 the pipe. And I thought myself that I had been in a
position where I had been forced into lying to my coaches
for a period of years, and I gave up in frustration and I
resigned any association with any of the governing bodies
of the sport.

I had a meeting at my house and I told the
coaches that I would do my best to help them financially
re-establish themselves in any type of club structure that
they wanted to go into, and there was a disintegration of
the club into the Scarborough Optimists Track and Field
25 Club, which was a group of younger children and older

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throwers that worked out of Scarborough. There was a group of distance runners that formed the New Balance Optimists Track and Field Club. They all seemed to want to keep the word Optimists in there because that had been, you know, the beginning. That was under two of the distance coaches. There was a group that chose just to compete as the Optimists Track and Field Club, and that was the group of younger sprinters. The group that Charlie was working with --

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Q. Were there any jumpers in that group as well, the Optimists Track and Field Club?

A. Yes, there probably would have been some jumpers in that group as well.

Q. Yes?

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A. The nucleus that had been around Charlie, the ones that Mazda were going to sponsor, they were going to run as the Mazda Optimists Track and Field Club.

Q. All right. And we've also heard --

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THE COMMISSIONER: I'm sorry. Did you help organize all these different groups?

A. No, I didn't organize them. They did the organization themselves. We kept the Scarborough Optimists Sports Association as a fund-raising body.

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THE COMMISSIONER: But you were trying to

raise funds for all these groups then, were you?

A. And they were also trying to see if they could set up on their own in certain aspects.

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MR. ARMSTRONG:

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Q. What happened to this concept that was developed in 1984, and I suppose it's, in fairness, more than a concept, the establishment of the York University Optimists Athletic Club, which I understood from what you said yesterday, was kind of a partnership between the C.T.F.A. and York University? Maybe that's an unfair description, but that's the impression I was left with.

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A. It's very difficult. I think, for an amalgamation, you have to have two groups that will each bring something into a union, something that will benefit, you know, both sides so that in general the whole becomes stronger. And we had a lot of difficulty in trying to figure out what York was bringing into the amalgamation, outside of the fact that there was a structure that appeased the C.T.F.A. They allowed us to use their phone occasionally and pay for some of the paper and occasionally have some stuff run off on some of their machinery.

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THE COMMISSIONER: What about the facilities themselves?

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A. The facilities themselves were basically Metro Toronto's facilities. They were not York University's facilities at all. We had been led to believe that we could maybe tap into their program and have some of their, you know, senior phys. ed students work with some of the younger athletes on various projects, that we could, you know, benefit each other that way, that we could have fat tests and blood tests done in the University labs and what not, but none of this materialized at all. It all just went down the pipe. We were told anything like that that we wanted, we would have to pay for it.

MR. ARMSTRONG:

15 Q. Just going back to your comment about

the facilities being basically Metropolitan Toronto facilities, we have had some evidence, I believe from Mr. Francis, that the Metropolitan Track and Field Centre, which is located on York University property, in a sense is a joint venture between Metro and York University in that York University provided the land; Metro, I believe, built the building, and the facility is shared then, as I understand the evidence, between Metro and York University in the sense that York University has the facility during one part of the day and then Metro Toronto has the

facility during another part of the day. Is that correct?

A. That's fairly accurate. I don't know a great deal about that except that most of the training times that we would use would be the public training time.

5 It would be when the athletes weren't in school. There would only be a very small contingency of athletes that would, you know, be training during the, you know, York University times. I know that there were at least one occasion where the facility was open and the University 10 athletes were there, and we were asked to leave because 4 o'clock came along, so that they could pay for re-entry.

Q. I'm sorry, so that they could --

A. You had to pay to use the facility.

15 Q. I see. Then when you say that in this period, 1986, that there were problems with the C.T.F.A. living up to its commitments and that there were a lot of things that were supposed to come down the pipe, as you put it, that didn't come down the pipe, what kinds of things are you talking about?

20 A. Well, the major thing there boiled down to money. It had started a number of years before that. The coaches that were not getting any remuneration were always looking for something if they did a good job. And on at least two occasions, there were things set into place that looked like money was going to come down to the 25

coaches on a small scale, and the coaches were promised this at the beginning of the year or told it would be coming and then at the end of the year they were told, "Sorry, we ran out of money. You're out of luck."

5 Q. Now, in this hearing, again through the evidence of Mr. Francis, we have heard that in 1981 he became a full-time paid coach of the C.T.F.A., and I don't have instant recall of exactly what he said about some of the other coaches associated with your group, but I believe he indicated that there were, I believe, two coaches, Marv Nash, and I forget the name of the other; it just doesn't come to me. But they also at least received some financial support?

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A. Marv Nash, to my knowledge, didn't receive financial support until much later.

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Q. I see.

A. Until about two years ago. But there were two coaches that got an honorarium set up where they were given \$6,000 a year to run -- one was a throwing centre and the other one was a jump centre. And that was Walter Kostiuk and -- I'm sorry -- and there was a distance centre in there as well. The one was Brian Barnes and Ivan Pintaric were the two that were getting the government grants, and the club chose to put some money towards Walter Kostiuk who had done an admirable job

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in the jump field. And there was a little bit of hard feelings at this time because almost a year later, Gerrard Mach from the C.T.F.A., he misfired on a conversation to one of my coaches, Corrado Gasparin, he told Corrado that the club had agreed to pay him a salary and Corrado called me about it, and I said no, this wasn't true, that we hadn't done this, but, you know, the seed of where they, you know, had they promised and were they backing out, you know, the seed was sown and --

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THE COMMISSIONER: They is what, the C.T.F.A.?

A. Yes, the C.T.F.A. had said this. See, Corrado had been an extremely good jumps coach. He developed --

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THE COMMISSIONER: If I go back up to this time, though, you've been a volunteer all through this?

A. Yes, I have.

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THE COMMISSIONER: And you told us that the coaches were all volunteers; indeed, Mr. Francis was until 1981, I gather?

A. Yes.

THE COMMISSIONER: And was that the situation in 1981 with the others? Was Mr. Francis the only --

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A. Well, there was money that was --

THE COMMISSIONER: -- coach that was being funded by the C.T.F.A.?

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A. Mr. Francis was the first person that was funded by the C.T.F.A. Well, this can be a little bit confusing. There was a little bit of money available prior to 19 --

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THE COMMISSIONER: Actually, Sports Canada funds it and it's gone through -- I understand those coaches, I understand, are actually paid by Sports Canada by giving the money to the Federation --

A. To C.T.F.A.

THE COMMISSIONER: -- who pays the coach?

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A. I think the first money that appeared for the coaches, though, came from the Canadian Olympic Association.

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THE COMMISSIONER: It might have. I see. I'm not sure.

A. The Canadian Olympic Association in the mid-70's came up with a system that, depending on the number of A and B and C card athletes that you had --

THE COMMISSIONER: You could get a coach?

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A. -- you could get an allowance. I believe they put an amount of money on the table like \$25,000. And this money would go to coaches across Canada.

THE COMMISSIONER: May I just take you back for a moment because I'm -- the Scarborough Optimists Club or Optimists Track Club was obviously very successful under your leadership?

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A. Yes.

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THE COMMISSIONER: And Mr. Armstrong has gone through the number of leading athletes that were, had gone through your organization and competed for Canada. Why couldn't that continue? I'm still puzzled. What was going on that you just couldn't carry on that way?

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A. I think what was happening there was the fact that there was money becoming available --

THE COMMISSIONER: Through the C.T.F.A.?

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A. Through the C.T.F.A., and the way the money was being distributed sort of directed the way the club would have to go in order to use that money or access that money.

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THE COMMISSIONER: But, are you saying, though, that once that, once the financial situation became available, the C.T.F.A. would sort of insist on running it instead of running its yourselves?

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A. Oh, definitely. I had several talks with them where I felt that the best method would be for the C.T.F.A. to pay the club that would pay the coaches and then the coaches would have a loyalty to the club sort

of thing, and this was not accepted whatsoever.

THE COMMISSIONER: I think you said yesterday that it was their view, rightly or wrongly, that the club system was not the best system? Is that right?

5 A. They definitely felt that. They said that --

THE COMMISSIONER: Why? What reason did they advance for that?

10 A. Well, we were sort of a thorn in their side, I guess. We were the only club that was consistently producing a high quality of athlete, and they felt that maybe there was another way to go and the other way was the university way.

15 THE COMMISSIONER: I see. Like York University, now, you're talking about?

A. York University, Simon Fraser, University of Toronto.

THE COMMISSIONER: You said Toronto as well. All right. Go ahead, Mr. Armstrong.

20 MR. ARMSTRONG:

Q. Just picking up that thread and going back to 1984 when you became the York University Optimists Athletic Club, what you said yesterday was that in order for you to get the money that was available through the

C.T.F.A., you had to become associated with York University, at least that was your view?

A. They were in the process of, you know, putting more money into the centres or putting money into
5 the centres, into the --

THE COMMISSIONER: These are what they call high performance centres?

A. Yes, in the high performance centre. And they would not put money into a high performance
10 centre that was centered around the club. The high performance centres, in their view, had to be centered around a university. And Charlie was basically a club coach. He coached with us. And I guess they were in a little bit of a dilemma as to how to separate Charlie from
15 the club and put him into a centre and have it being associated with the university, you know, the way the other centres that they were planning were supposed to be. And so they came up with basically saying the club system was not a successful system; they were not going to be going in that direction and that if we did not -- and this
20 came from Sports Canada -- if we did not amalgamate with York University, we would be classified as a B club, and as a B club, we would not be eligible for centre support and a number of things that would be following, you know,
25 on the heels of this. And I said, "Well, what about the

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fact that, you know, we won 17 of the 26 medals in the Commonwealth Games and that we have been producing all of these athletes? We won 11 of the 14 medals in '84." You know, we were in line for doing that sort of stuff. And they said, well, this really didn't play a part of it, that the structure was there. If we were not associated with the university, then we were not part of the program.

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THE COMMISSIONER: Were your athletes carded before the move to York? Did you have carded--

A. Yes, we had -- I believe we had 29 carded athletes in 1978.

THE COMMISSIONER: That would be by direct application by your organization to Sports Canada?

A. Yes.

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THE COMMISSIONER: Not through the C.T.F.A.?

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A. The year could have been '82. I'm trying to think which Commonwealth Games it was. I think it would be '82, we had 29 athletes that were carded in Canada, and I think we had 14 that were ranked in the world.

MR. ARMSTRONG:

Q. And in 1982 at the Commonwealth Games, your athletes won 17 of the 26 medals won by Canada?

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A. Yes.

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Q. So we then in 1984 arrive at this point that here is this highly successful organization, the Scarborough Optimists Sport Association, I guess, as it was then called, but it's operating on a club level with you running it as you had run it since 1967?

A. Yes, basically. The amalgamation with York --

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Q. Just let me finish to see if I've got it. What you appear to be saying is you're being told by the Canadian Track and Field Association and perhaps Sports Canada as well that if you want to be eligible for whatever increased funding may be available to your group, you can only do it if you change your organization?

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A. Yes, you had to fit the mold or you weren't going to be eligible.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

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Q. All right. And the mold that eventually was established was an organization in which there were three directors with somebody called Mike Dixon as the executive director. You were the financial person, the chief financial officer --

A. Yes.

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Q. -- as I called it yesterday, and, I'm

sorry, there was a third --

A. I believe it started under a man by the name, whose last name was Roblyn, and it ended with a man whose last name was Robbins. They're very close. Stu Robbins was the person that, when the amalgamation finally took place, Stu Robbins was in place at the university.

5 By the time this was completed, though, it was the, you know, spring of '84. And, you know, everything was in place for the Olympic Games. Stu and I had a conversation about York got on board just about the right time in order to share in the success of the Olympic Games of '84.

10 Q. So you went along with this organization from 1984 until 1986, and do I understand what you're saying is that although you anticipated that there were going to be a number of benefits, mainly financial, to assist your coaches if you accepted this new structure, which you had done, that those benefits did not flow to the organization as you believed they would?

15 A. No, they didn't materialize, and when they went in other directions and I questioned the criteria that were always given to me, were criteria which we had bettered and, you know, we'd been turned down with -- one example was they made a throwing center at the University of Toronto. They had one carded athlete and two hopefuls, and they said, "Well, three carded athletes

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would constitute enough concentration of national caliber people to warrant a centre." And I said, "Well, when I had four legitimately carded hurdlers and three or four hopefule, that was not enough to constitute a hurdle centre." And they just did not even answer the question.

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Q. And when you refer to they all along, who is the they?

THE COMMISSIONER: That's the C.T.F.A.

A. That's the C.T.F.A.

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MR. ARMSTRONG:

Q. That's the C.T.F.A. And are you negotiating then with the executive of the C.T.F.A.?

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A. Whoever I happened to get on the end of the phone or whoever would attend the meetings. In those days, I think it was Denis Landry and sometimes Wilf Wedeman.

Q. Wilf Wedeman being the predecessor to Mr. Dupre?

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A. The predecessor to Jean-Guy Oullette, I believe.

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Q. Oh, Jean-Guy Oullette. All right. So then, as a result of what you assessed to be your frustrations over this new organization, that it -- and the promises not being lived up to, you then sat down with

your Scarborough group of coaches or what you call your --

A. With all the coaches, yes.

Q. With all the coaches, who, basically, I assume, are still mainly volunteer, are they, at this point or are they --

5 A. Yes.

Q. And how many would they be at this point in time? We've got an organization of, what, 350 kids. How many coaches?

10 A. By this time, it had probably dropped down to about 200 athletes, and the coaching staff had gone from a high of 34 down to about 16 of them left.

Q. Is that just in the two years under the new structure?

15 A. Yes, they dropped quite rapidly.

Q. I see. And why was it that the group kind of splintered up, as it did, into what appeared to be four different groups? You have the New Balance Optimists Club with the distance runners; you have got the Scarborough Optimists Track and Field Club with the throwers and some youngsters; the Optimists Track and Field Club with some sprinters and jumpers, and then the Mazda Group under Mr. Francis, the sprinters. I'm just wondering why you couldn't have gone back to where you were before as one big, happy family?

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A. I think to hold a club together that large you had to have someone that everybody was very loyal to, and you had to have someone who was willing to do an awful lot of work. And I was not prepared to put those pieces back together because I couldn't do it without being involved with the O.T.F.A. and C.T.F.A. So I was ineligible for the post. The person who had been put in place in 1984, who had run the club in 1984 and 1985 and into 1986, Mike Dixon, he was still a paid person by the C.T.F.A., but he was told to direct his energies towards the university and away from the track club. As a matter of fact, Mike said he was told to disassociate himself with the track club. Anybody that's basically, you know, worked with me over the years has found that a little difficult at times. Mike and I always did stay a little bit associated. We allowed him to use our computer setup, you know, for the duration of a year in order to keep the university program the way he had set it up continuing to go. But there really was no place for the coaches to focus around. And you had to have somebody who was willing to do the jobs that were other than the coaching jobs. And it could be more easily done on a smaller scale. One coach could do the throwers because he would be involved with the throwers and know the throwers. You didn't have to have someone who would be entering

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maybe 110 or 115 people into a meet, sometimes in two or three events, and fill in all the necessary forms of what their best performances were, what they were expected to do, where their performances were, you know, whether they were wind-assisted, and this type of thing. It had gone from a simple entry form to where you put the name of an athlete down and said you wanted them to run 100 to almost -- I used to call it fingerprinting. They practically wanted to fingerprint everything, and it was a real chore to stay ahead of the game in order to have the accurate information.

Q. Now, going back to what you said a moment ago about Mike Dixon directing the focus of his attention to York University, do I understand that what you believe the C.T.F.A. was saying to him was, "You associate yourself with the York University track and field team"? Is that what that means? I wasn't sure.

A. I'm not sure what that means, either. I know that he was told not to associate with the club. I don't know whether he was given specific directions to, you know, associate more with the centre or not. I know that where he ended up with, or what he ended up with was working with the university itself. In conversations with Charlie after that, I found out Mike was doing very little for the centre and Charlie's athletes, that he was doing

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most of his work with the University. So I assumed that the direction the C.T.F.A. had asked him to go, because they continued to pay his salary, even up until, I guess, this past month, was more in the direction of the University.

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A. I would assume that, too.

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Q. All right. Now, these four groups that were established in 19 -- they were all established in 1986 at the time you gave up?

A. Yes, within a matter of two or three weeks.

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Q. All right. Now, are they all operating today? Let's take each one of them. What about --

A. The Mazda one, I don't believe, is operating today.

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Q. The Mazda sprint group?

A. Although they may have not registered, you know, with these names yet. There is a New Balance Group. That group is intact. The Scarborough Optimists Track and Field Group is in track and the Optimists Track and Field Group is intact. Those groups are holding

training sessions and working with athletes.

Q. Now, if we go back to 1984, and I'm sorry, my memory is even worse than it usually is. You did tell us. If we go back to 1984, how many athletes did 5 you have in what I think we called for simplicity the Scarborough Optimists Track and Field Club?

A. We probably had 350 or more.

Q. All right. And how many coaches?

A. 34, I believe.

10 Q. So in 1984 you have 350 athletes and 34 coaches?

A. Yes.

Q. All right. Now, if we were to take what remains today of that original group in the New Balance 15 Optimists Club, the Scarborough Optimists Track and Field Club and the Optimists Track and Field Club, because those are the only three groups that are still in existence and operating, have you any idea how many athletes and how many coaches remain in total?

20 A. The coaches are down to five.

Q. In total?

A. In total. The athletes are probably around 100. Now, the majority of the younger athletes usually register in the spring when the track and field 25 gets going for the schools, but of the, you know, repeat

athletes that we've had, we've probably gone down to about 100, maybe even less.

Q. All right. Then in 1984 when you went the York University route, there was the group of kids 15 and under who stayed under the sponsorship of the Scarborough Optimists Sport Association, and at that time how many were there of those --

A. Of the younger --

Q. Of the younger athletes?

A. Probably about 150.

Q. All right. And does that organization still function today?

A. It functions, but it's much, much smaller.

Q. How many, approximately?

THE COMMISSIONER: He says about 100 in all three.

A. It isn't totally the younger section now. It has the throwers in it.

MR. ARMSTRONG:

Q. I see. Right. Yes, yes, yes.

A. It went under a change.

Q. Yes, that group moved into the throwers group, okay.

A. But it would probably be a maximum of 25, 20 or 25.

Q. And in 1984, the 150 youngsters, how many coaches would have been involved with them, or are they included in the numbers you've already given?

A. They would have been included in the numbers already.

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Q. All right. Now, over the years I take it have you been a volunteer the entire period of time; you have never been under any salary at all?

5 A. No, I haven't. I have always been a volunteer, I have not been paid.

10 Q. Then I take it that in your position as the founder of the organization, the president for most of its existence, and, indeed, a coach for most of its existence because you coached I believe you told me up until 1986?

A. Yes.

Q. You got to know some of these athletes pretty well?

15 A. I got to know some of them very well, with the senior kids, especially. I did a lot of driving, so when we would go to meets in Montreal, Quebec City, various places like that, I was usually the person that drove the bus.

20 Q. All right. And indeed we heard some of that evidence already from Charlie Francis that there were times when you and he were the bus drivers and, indeed, provided what one might say is the supplementary budget, but really you provided much of the basic financing in the very early years?

25 A. Yes.

Q. All right. Now, over the years, let's take the late seventies and the eighties, up to 1986, perhaps this is far too general a question, and I apologize if it is, but did you become aware in the sport of track and field that the use of performance enhancing drugs and, in particular, anabolic steroids, was a topic of conversation?

5

A. I knew that it was definitely an international topic of conversation even back into the fifties, not necessarily so much the steroids, but the implementation of the sex tests. The big Russian throwers that disappeared in the fifties, that have been throwing the shot put so far, and this type of thing, and then down through the seventies and the eighties, you know, the possibilities that drug use in the Eastern Bloc European countries and Asia was quite evident, and quite heavy.

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Q. Then, Mr. Earl, what about closer to home, with your own group, the Scarborough Optimist Track and Field Club, did you ever become aware that any of your athletes were directly involved with the taking of anabolic steroids prior to these hearings and prior to Seoul, let's say?

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A. No, I wasn't aware of any use of any anabolic steroids.

25

THE COMMISSIONER: It's clear as far as

the Mazda group was concerned that -- that was started when, '84, did you say.

MR. ARMSTRONG: '86.

THE WITNESS: '86.

5 THE COMMISSIONER: '86, but the group moved to York in '84.

THE WITNESS: Yes.

10 THE COMMISSIONER: And have you had any direct sort of relationship to that group since they were at York, since '86 I guess?

THE WITNESS: Did I have any what, I didn't hear --

THE COMMISSIONER: Official relationship with them? You were Director for awhile, I think?

15 THE WITNESS: Yes, I was and consultant. I always told them I would help them whenever I could.

THE COMMISSIONER: Until '86.

THE WITNESS: Yes.

20 THE COMMISSIONER: And then after '86, you had no such -- you were no longer a Director you had no official relationship with them.

THE WITNESS: I don't believe I attended whatsoever --

25 THE COMMISSIONER: You may have retained your friendships with them, I suspect?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Now when you first started in to track
5 and field at the coaching level and at the administrative
level, was sports medicine something that was well-known
among track athletes as something that was available to
them?

A. No, it wasn't.

10 Q. All right. And then as you moved in
to the middle seventies and so, is it not a fact that
track and field athletes became aware of the fact that
there was a new area of medicine that either had emerged
or was emerging, namely sports medicine?

15 A. Yes, this was becoming very important
especially to the coaches you would have an athlete that
would injure herself or himself and they would go to their
doctor who would tell them what to do. And the injury
would keep recurring, and eventually if you found a sports
20 doctor at some of the sports clinics that they set up, you
would find that quite a different treatment gave the
athlete the success that you wanted and the injuries
disappeared. So, we started to -- I know out in
Scarborough where I was doing my coaching if one of my
25 athletes I sent them to the Scarborough General Hospital

Dr. Raflin (Phon) was the doctor that looked after the sports clinic there. And we sent our athletic injuries to the sports doctors, we called them.

5 Q. All right. And was the specialty of sports medicine, something that you became aware that Charlie Francis had a keen interest?

A. Charlie always had a keen interest in that type of thing, especially down through the late, you know, '70 years when he was working with Angella. I know 10 that Angella trained one year very hard and very hurt; she was always sore. And he was always looking into the possibilities of diet and vitamins and what could be done to try and get rid of some of the, you know, some of the soreness she had in her muscles.

15 I was quite close to Angella one year for her training session. I bought a house beside my house that just happened to come up for sale and Angella lived in it. And this would be 1979 it would be coming into '80. She had graduated out of grade 13 and decided that 20 she would take a year off and prepare for the 1980 Olympics, which was going to be held in Moscow.

And in order to help her, you know, reduce costs and have a heavy training program, she lived at 38 Oak Avenue, which was right beside my house. And I would see her in the morning at 7:30 when I headed out for 25

school. She would start training and jogging. Then she would do a light weight workout at the home. Then she would go down to York University down to the track. She would do a workout with Charlie at the track. He would bring her home usually around 8 or 9 o'clock and they would work out on the faradic stimulator. And this went on 5, 6 days a week for the entire year.

5

So, when Canada pulled out of the Russian games, the Olympics, she was really upset because she had actually given about eight or nine years of her life there, about 10 or 12 hours a day, and heading in that direction, and she was quite upset.

10

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Q. Just parenthetically there, one of the things she said in her evidence and you seem to corroborate it was that if anything she worked too hard when she was training?

20

A. She was. She was getting very sore muscles. That was when they started using the faradic stimulators to see if that would help solve some of the problem with the sore muscles.

25

Charlie and I talked about it I think on one or two occasions where -- and we very seldom did this -- where we felt that maybe the amount of work that she was doing was having her muscle tissue, you know, like there wasn't enough food in her system, ingredients getting into

her system to not cause her muscles, you know, to be breaking down as opposed to be building up. And this is when they started using a lot of vitamins and a lot of the food supplements to make sure she was eating properly to try and see if they could overcome some of this.

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Q. Moving ahead to a bit later period and about 1985 and picking up the discussion that I -- we were having a few moments ago about sports medicine and physicians, was there some arrangement made through the Scarborough Optimist Track and Field Club to pay for some blood testing of the athletes that were members of your club?

15

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A. Yes. In 1985, Charlie had asked for a number of the athletes -- now, this was something which we thought we were going to be able to get through York University, which didn't materialize, and he wanted hemoglobin counts, he wanted blood tests on a group of the athletes that were potential, you know, Olympians and people that were active Olympians. And he asked if the club would pay to have some tests done on all of these athletes. And I said yes.

25

Q. And do you remember how much the club paid for those?

A. It was either \$1,500 or \$2,000, I believe, some place in that area. And it was for a series

of tests on a number of athletes.

Q. Were those mainly the athletes, the sprint group, under Mr. Francis.

A. They were primarily the sprint group
5 under Mr. Francis, yes.

Q. Were those blood tests conducted under the supervision and recommendation of a physician?

A. They were done by Jamie Astaphan.

Q. All right. Did you have any knowledge
10 at that time as to why the tests were ordered other than
Mr. Francis said he wanted hemoglobin tests run and so on,
just as you have described them?

A. No, I just took Charlie's word for that
because --

Q. Now, apparently, Mr. Earl, over the
years, particularly in the latter years of the club, there
were indeed rumours that circulated, and we have heard
evidence just in the last day or so, that rumours
circulated about some members of the Scarborough Optimist
Club, particularly the sprint group under Charlie Francis,
20 related to the use of performance enhancing drugs. And
did you at any time ever become aware of those rumours?

A. Those rumours had existed since the
mid-seventies even before Charlie became associated with
25 the club. You know, rumours that if you had a group that

ran too well, that they must be on something.

We went to the nationals one year and we ran
one, two, three, four, five, six and eight. We gave the
guy eight the dickens because we figured he should have
come seventh, but we took seven of the top eight placings.
5 And every one of our athletes at this particular meet were
tested that were in the finals and they even tested our
athletes that were in the quarters and the semis which
this particular case I think Charlie was there. Charlie
was, you know, a little bit upset just from the fact that
10 the testing was going to be on the first three finishers,
and it was on the first three finishers in general and the
Optimists had finished seven out of the eight in the
finals so they tested all eight of them. And then they
15 went to test the ones eliminated in the heats and
quarters. It was almost as if they were looking for
something. I just thought he was a damm good coach.

THE COMMISSIONER: I didn't hear your last
answer.

20 THE WITNESS: I said I just thought he was
a damm good coach.

MR. ARMSTRONG:

Q. All right. Then you told me earlier,
25 and your evidence a few moments would certainly confirm

5

that as far as Angella Issajenko is concerned that you got to know a lot of these athletes extremely well. And there was a period of time in the early 1980s or perhaps a little earlier than 1980 when there wasn't such a vehicle known as the Athletes' Reserve Fund; am I right?

A. Yes.

10

Q. We know that the Athletes' Reserve Fund is something that is administered by the CTFA into which the athletes put monies that they earn from their track and field endeavours and it is held in trust by the CTFA?

A. Yes.

Q. I have probably misdescribed the thing badly, but in general terms I think that is it.

15

Now, before there was an Athletes' Reserve Fund, some of your Scarborough group of athletes, particularly those under Charlie Francis, had contracts with Adidas; am I right?

A. Yes. We approached Adidas and they set up contracts with a number of our athletes.

20

Q. All right. And those athletes included Tony Sharpe, Desai Williams, Molly Killingbeck, Mark McKoy, and Angella Issajenko?

A. Yes, and I believe Milt Ottey.

25

Q. I think Ben Johnson joined the group later, but --

A. I believe Ben was picked up the second year, or he could possibly have been in the first year.

5

Q. All right. And did you have something to do with setting up and the administering of those Adidas contracts?

10

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A. We met with the Adidas people and they agreed to pay a certain sum of money monthly to the athletes in order to help them train. The amounts were \$250.00, \$300.00, \$400.00, this type of thing. And there was a little bit of ambiguity as to how to do this without getting into problems with amateur standing. So it was done by the club set up a number of bank accounts, one for each of the athletes involved, and the money went from pay Adidas. Very often it was given to the athletes in a cheque form, two or three or four months at a time, usually two or three or four months late. And we would deposit in those accounts and they would draw on it have.

20

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At this time, the athletes were -- some of them setting up their apartments, and they needed money to pay their monthly rents and that type of thing. They were getting carded money that was coming the Canadian Track and Field Association, but this carded money didn't always come on time. And there was certain problems they had to, you know, establish themselves so that they could, you know, carry apartments.

Q. And in that situation, you in fact became almost a trustee of these athletes' financial situation, is that not so?

5 A. I guess you could say that. They would phone me and say they had run a certain time or certain record and would I contact Adidas and let them know that they were to get another \$200.00 or stuff like that.

10 THE COMMISSIONER: Was the -- was this for endorsing their product? Did they wear Adidas outfits and Adidas shoes?

THE WITNESS: Yes, they had to wear Adidas and couldn't wear others.

THE COMMISSIONER: Was the amount to be paid dependent on the performance of the athlete?

15 THE WITNESS: There was be usually a base for the month and then something for performance.

THE COMMISSIONER: So the better performance the higher --

THE WITNESS: Yes.

20 THE COMMISSIONER: -- the higher the monies being --

THE WITNESS: Yes.

THE COMMISSIONER: All right. Thank you.

25

MR. ARMSTRONG:

5

Q. All right. In any event, you I take it were the one who set up the various individual bank accounts for these runners, saw that the proper amounts of money were coming in and if they -- and in many respects looked after, I suppose, the money going out, did you?

A. Yes.

10

Q. All right. Indeed some of these athletes were renting apartments and you became the guarantor on their leases?

15

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A. Yes. When they went to rent apartments, because they didn't have jobs, most of the people managing the apartments wouldn't rent them the apartments. And they couldn't say they were getting carded money from the CTFA, that was sort of -- it was a fact, but it was something that was sort of kept fairly quiet. It had just -- I guess it was a problem with the fact that they were amateurs and it wasn't a job, and I guess they weren't quite sure how to deal with this. So, I signed possibly four leases for various athletes as their apartment guarantor.

25

Q. All right. And then let me ask you about Ben Johnson. We know that he joined the Scarborough Optimist Track and Field Club in the summer of 1977 when he went along with his older brother Eddy to Lawrence Park

Collegiate one evening or afternoon for practice and became part of the Charlie Francis group. Did you get to know Ben Johnson at about that time yourself?

5 A. Yes, because Ben would often accompany his brother when we went to the track meets in Montreal, which is where most of them liked to run.

Q. So, I take it, Mr. Earl, that you have known Ben Johnson for virtually the same length of time that Charlie Francis has known Ben Johnson?

10 A. Yes.

Q. And over the years, you have done some of the same things for Ben Johnson that you have done for the other athletes, that is assisted them in their financial affairs and personal affairs?

15 A. Yes. They sometimes would just like to phone up and have somebody to talk to whether, you know, something was a good idea or not.

20 Q. And then without going in to the precise figures, because I don't think we need to be concerned with the precise figures here, I am going to go into some figures with you in a moment, but is it not so that some time prior to the world record in Rome in 1987 perhaps as early as 1986, Ben Johnson began to attract a lot of attention from the point of view of being a hot commodity on the track and field circuit and a hot

commodity --

THE COMMISSIONER: Are you saying he attracted a lot of money; is that what you are saying.

5

MR. ARMSTRONG:

Q. Attracted a lot of money? Began to attract a lot of money?

A. He began to attract a lot of interest.

Q. I suppose, of course, there was a --

10

A. I think --

Q. -- big difference?

A. Yes, there were -- there was interest being expressed.

Q. All right.

15

THE COMMISSIONER: In what way? I am sorry, interest by sponsors?

THE WITNESS: By various sponsors, yes.

THE COMMISSIONER: That would result in some contractual arrangements and --

20

THE WITNESS: Yes.

THE COMMISSIONER: -- and monies paid?

THE WITNESS: Yes.

THE COMMISSIONER: I guess for appearances on track meets.

25

THE WITNESS: Yes, they would get money for

appearances on track meets.

THE COMMISSIONER: And endorsements of products, and what, sort of a commercial endorsements we are talking about.

5

THE WITNESS: Yes, those are the usual --

THE COMMISSIONER: So the funds would be available by attendance, what they call attendance fees, if you appeared at certain meets you would get paid for it.

10

THE WITNESS: And sometimes if you were endorsing a product if you went to one of their store openings, you know, you were there or --

THE COMMISSIONER: Also get a fee for attending there?

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THE WITNESS: Yes, or in the contract it could be that they were willing to pay you a certain amount a year and you had to do three appearances for them.

THE COMMISSIONER: I see.

20

THE WITNESS: And then they would tell you which appearance they would like you to do and these were always set into the contracts in such away that the clause was if it wasn't interfering with the training program.

THE COMMISSIONER: I see.

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MR. ARMSTRONG:

Q. Now, we know from the -- I am sorry,
Mr. Commissioner, I thought you were finished.

THE COMMISSIONER: Okay.

5

MR. ARMSTRONG:

Q. We know --

THE COMMISSIONER: You are talking now this
is prior to 1987 is that right?

10 MR. ARMSTRONG: Yes.

THE WITNESS: Yes.

MR. ARMSTRONG:

15 Q. And we know from the evidence of Mr.
Francis that at a certain point, and I believe it was in
1986, that Larry Heidebrecht came on the scene. That's
when I believe the Mazda sponsorship and the Mazda group
was formed, and Larry Heidebrecht became the agent for Ben
Johnson and a number of other Mazda athletes?

20 A. Yes, that's correct.

Q. You are aware of that, aren't you. We
also, I don't know whether it's in the evidence or not,
but it certainly is common knowledge that Larry
Heidebrecht does not reside in Toronto, he resides and
25 carries on his business in many places, but resides in the

United States. Did you still keep some interest in Ben Johnson in 1986 and post 1986 in some of his financial affairs?

A. Yes.

5 THE COMMISSIONER: How did that come about? Would he consult you about it?

10 THE WITNESS: Yes. He and Angella especially would come and ask me whether certain things, you know, I felt were good moves. Both of them from before they started running always had the goal to make enough money to buy a house. Both Ben -- Ben wanted to buy a house for his mother, and Angella's goal was to, you know, eventually have a house herself.

15 THE COMMISSIONER: Were the monies coming in then - Mr. Armstrong spoke about Athletes' Reserve Fund, was that in existence in '86 and so forth?

THE WITNESS: By '86 that was in existence and that's where all the money was --

THE COMMISSIONER: That's the CTFA?

20 THE WITNESS: -- actually going, yes.

THE COMMISSIONER: The CTFA trust account?

THE WITNESS: Yes. All the contracts that were set up, the money was to go to the Athlete Reserve Account.

25 THE COMMISSIONER: And appearance at track

meets and so on, all the money that was earned was expected to be channeled through the trust fund?

THE WITNESS: Yes, it was but --

THE COMMISSIONER: Go ahead?

5 THE WITNESS: I was going to say that the money that was earned at some of the tract meets was often given to the athletes, you know, in cash and they would have to bring it back and then wire it or send it to the trust account.

10 THE COMMISSIONER: And disbursements would be approved by CTFA or by with you or how was that arranged?

15 THE WITNESS: Disbursements always had to be approved by the CTFA because no one had access to the reserve account except the CTFA.

THE COMMISSIONER: So, that the monies from the corporation, say, on the contracts, would go directly to the CTFA?

20 THE WITNESS: In most cases. I think in some case they would send the cheques and then --

THE COMMISSIONER: Or appearances at openings of stores whatever it is, they would all go to CTFA or go to the athlete or his agent first?

25 THE WITNESS: No, I think you have hit on three possibilities.

THE COMMISSIONER: I would just like to stick to one at a time then?

5 THE WITNESS: It could do any of those three. Now, you see at this time I wasn't involved in any of the contractual --

THE COMMISSIONER: I see?

THE WITNESS: -- arrangements. That was mostly done through Larry Heidebrecht. So. Larry would be able to answer that.

10 THE COMMISSIONER: But throughout this period of time, Mr. Johnson would discuss his financial affair with you; is that right?

THE WITNESS: Just from time to time.

15 THE COMMISSIONER: Yes, and ask you your advice?

THE WITNESS: Yes. He asked my advice on buying his house and things like that.

20 THE COMMISSIONER: What about the contracts themselves, would he discuss that with you or was that left with him and his agent?

THE WITNESS: It was usually left with him and his agent, but there were times when he brought the contracts around and we looked at them together.

THE COMMISSIONER: All right. Go ahead.

25

MR. ARMSTRONG:

Q. Just going back, and perhaps I moved things a little bit too far ahead with 1986, but picking up the evidence that you just gave a few moments ago about Ben Johnson's desire, and, indeed, Angella Issajenko's desire to own their own house, did Ben Johnson seek your advice in connection with the first real estate property that he bought up in Scarborough?

5 A. Yes. Ben liked that very quickly. He
10 came back, I believe, from Europe on one of the trips and announced --

Q. What year would this be?

A. This would have to be, I believe, '86.

Q. All right.

15 A. And he announced that he would like to buy a house, did I think that he had enough money, you know, coming in to buy a house. And I said, well, if we looked carefully that, you know, we might be able to arrange it.

20 I think he came back to me about a day later, he had found an agent, he had found a house, and wanted me to go see the agent, and wanted me to go see the house.

Q. Did you do that?

25 A. I went up and spoke to the agent. We

went and saw the house. It was a very nice house. It was the one on Blacktoff which he eventually bought.

And we sat down with the agent. We discussed all the financial aspects. And then Ben asked me to come aside, he wanted to talk to me personally. And we spoke for a few minutes, and I told him it was going to be a little tough, but if he wanted it badly enough I thought he could afford it. And he went back and signed the agreement and bought the house.

Q. All right. And do you remember now at this time what the purchase price was of that house?

A. It was around \$121,000.00 or somewhere in that range. I believe they were asking like 124.

THE COMMISSIONER: What year is this?

MR. ARMSTRONG:

Q. 1986. It doesn't sound possible in 1989, but three years is along time to go.

In any event, the purchase price was around 20 120 or \$121,000.00. And was there some form of cash payment and some form of financing entered into by Ben Johnson to acquire the house?

A. Yes, I believe he had 20 or 30,000 that he was able to put down, and he financed the rest.

Q. And he financed the rest through a

bank?

A. Yes, he did.

Q. I am going to come back to that a moment, but just to complete it, the title of the house was taken in joint tenancy, was it, between Ben Johnson and his mother, Mrs. Johnson?

A. Yes.

Q. All right. Now, how was the financing arranged?

A. I called my bank manager and told him that -- like he knew of Ben -- that Ben was purchasing a house, and would he talk to him about possibly arranging a mortgage.

And Ben took the papers around to the bank manager, and the mortgage was arranged, and Ben became the owner of a mortgage or a house, whichever way you want to look at it.

Q. All right. And did you go to the bank manager with him?

A. No --

Q. Or did he go alone?

A. No, I didn't, he went alone.

Q. He did his own dealing then with the bank manager?

A. Yes.

5 Q. When you had been up to the property to see it on that day that he called you and said he found a real estate agent and found a house that he liked and you went with him and the deal was discussed, did he, so far as your opinion is concerned, appear to understand the nature of the transaction that he was entering into?

10 A. Yes, and I went over it with him a couple of times, you know, that the monthly payments were going to be, you know, fairly big. And he understood that clearly, he knew what he was doing there.

15 Q. Then, Mr. Earl, when some of these

athletes went off to these track meets and received their performance fees, you mentioned that they often received their performance payments in cash. And I take it that that often occurred in the case of Ben Johnson?

A. It would occur in the case of all the athletes that competed in Europe.

20 Q. All right. And in Ben Johnson's case, did that, from the point of view of just administering the cash and seeing that it got to the proper place and into the hands of the Athletes' Reserve Fund and so on, start to become a little bit of a problem?

25 A. It became a little difficult to handle. I think the Athlete Reserve Fund was set up thinking that, you know, small amounts of money would be coming through

maybe 10 or \$20,000.00. And the case of Ben, the amounts started to grow into larger amounts. And I am not sure whether, you know, the CTFA or I were ready to, you know, really cope with the way the money was starting to come in for Ben.

Q. All right. So did you then start to perform some role in respect of the receipt of cash that was coming in to Ben Johnson as a result of some of these payments-for-performance fees?

A. Okay. I was constantly reminding him that he did have to send the money to the ARF account. And he would sometimes give me quantities of money to put in a safe that I had to hold for him to be sent to the ARF account. And he eventually bought a safe himself and then kept the money himself.

Some of the monies that he brought back from Europe did to the come back in cash. I had suggested to him because one of our athletes lost some money with a room breakin, that when he was paid that he go to a bank and buy a bank drafts payable to himself and bring them back or mail them back, whichever he chose, and it would be a lot easier for him to carry them. And then when he got them back, he could sign them and send them to the CTFA.

THE COMMISSIONER: Did he follow that

advice on occasion?

THE WITNESS: Quite often he did. When he came back --

THE COMMISSIONER: He would go to the bank
5 and get a bank draft?

THE WITNESS: Yes. That eventually became a problem too, because he came back with drunk drafts from Belgium, from Italy, from Switzerland, from Germany, from various countries like this, and when you went to process
10 them, you found out that there was -- there was no bank in Canada that would process that kind of a draft. It had to be sent to the States or possibly there was no bank in the States and it had to be sent back to Europe to be processed. And sometimes it took a little while, you know, to get the funds that the bank draft represented.
15 And then the funds were sent to the CTFA ARF account.

Q. Then just moving to another subject for the moment before we conclude for the day, there was another property in Markham that Mr. Johnson acquired at some point in time and were you involved in that?
20

A. Yes. The subdivisions in the area of Highway 7 and Bayview were just opening up and there was quite a run on people going to buy houses in that area and they were starting at the \$300,000.00 range and going up.
25 And Ben had been up and looked through the developments,

and he came around to my house, which wasn't far away, and said that he wanted to buy a new house. And he wanted to come --.

THE COMMISSIONER: What year are we at now?

5

MR. ARMSTRONG:

Q. I am sorry, what year are we at?

A. This would be about '87.

10 Q. Yes. And he wanted me to come and take a look at a couple of houses with him. And my wife loves that sort of thing, so we piled in the car and we went off to look at houses. And I was a little appalled at looking at the house us on 55 foot lots that were \$399,000.00 and that kind of money.

15 And after we looked at a number of them, I suggested that Ben come for a drive. We drove through my area and I showed him the property I thought was the key thing not so much the house, and that I thought if he looked for a nice lot to build on, that he wouldn't have a 20 55 foot lot, he could have a lot that would have a nice yard that would go with it.

25 And we drove around and we found a place called the Cachet Estates, it is just south of Major McKenzie, just east of Woodbine. And there was Phase I development and there was a sign on it that said sold out.

And we drove through the area looking at the nice big lots. Some of them were 250 feet across the front and they had, you know, creeks in the back and this type of thing.

5 And I said this I think is more the idea. If you could find a piece of property you can probably build a house for \$250,000.00 and you would have, you know, very good value in the land and it would be a good investment for you.

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And I left it at that. Ben said he understood what I was talking about, and I believe it was within a day or so Ben came around to my school and he said he'd found a lot in the Cachet Estates in the first phase that was up for sale, and he had the name of a real estate person. We had taken the Cachet Estate number off of the sign, and he had phoned and through this process he had found a real estate person who happened to be up in Unionville. And he wanted to buy a lot that he had found in that particular estate, and he wanted me to help him check it out. And it happened to be the largest lot in Phase I. It was 1.57 acres. There was an amount of money being asked for, and I suggested that he bid somewhat less, which he did. And at the same time, another lady wanted the same lot. She bid the same amount, and Ben and she had, I guess, sort of a -- the way it worked out, Ben got the lot. I think Ben's bid came in first and hers came in second, so the man said something like, "Well, I will sell it for this amount, and if you would like to take it, Ben, because your amount was in first, then that's fine. If not, the other lady will get a chance at it." And Ben said yes, he would take the lot at that.

Q. And so what was the purchase price of the lot?

A. I believe it was 175 or 174,000, 180.

It was right in that range.

Q. And was there any financing associated with that purchase?

A. Yes. We contacted the bank that he had his mortgage with his first house with, and I believe he took a mortgage out to purchase this. There was an existing mortgage on the property, and he took it over because it was also at a good rate.

Q. All right. And after acquiring that property, there, of course, was no house on it. What arrangements were made, so far as you understand, to put a house on that property?

THE COMMISSIONER: Is this '87 now?

MR. ARMSTRONG: This is 1987, yes.

THE COMMISSIONER: What time in '87? Before June or after June of '87?

A. I believe he bought it in the spring because I recall it was very muddy when we went out to look at it.

THE COMMISSIONER: That was before the Rome, before the Rome world record, right?

A. Yes.

MR. ARMSTRONG:

Q. So what arrangements were made to build

a house on the property; do you recall? I don't want to go into every sort of detail. Maybe I'll just get at it. Did he hire an architect and construction company and so on?

5 A. He hired an architect who was designing the house, and as the house was being designed, Ben would change his mind and wanted it a little bit bigger and a little bit bigger. And I think they had reached the point where they had finally decided the size of the house.
10 They had an architect; they had a contractor that was being put in place to build the house. Most of this was done through Ben.

Q. Did Ben Johnson then deal directly with the architect?

15 A. Yes, he did. The contact that I had with the architect was that sometimes when Ben was out of town, the architect would come to me and I would, you know, give him some moneys that he would need for various permits, and when Ben came back from Europe or wherever he happened to be that money would come back to me.
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Q. And when he acquired the actual lot, the land for \$175,000, you mentioned that there was some financing and you had telephoned the bank manager. Did he at this time as well go to see the bank manager and finalize the mortgage arrangements?
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A. Yes, he set that all up himself.

Q. And did you go with him?

A. No.

Q. So he dealt with the bank manager
5 himself, as you just said?

A. I might have been with him occasionally
for meetings with the bank manager but not on occasions
like this.

Q. And did, so far as you were concerned,
10 did he appear to understand the nature of this Markham
property acquisition that he was making?

A. Yes.

Q. And he understood the financial
arrangements?

15 A. Yes.

Q. And did he appear to be able to
understand his dealings with the architect and so on?

20 A. Yes, and he also understood that he had
to have a building started within two years. That was
part of the contract.

MR. ARMSTRONG: Mr. Commissioner, this might
be the point --

THE COMMISSIONER: The adjourning point.

MR. ARMSTRONG: Yes, thank you.

25 THE COMMISSIONER: Can you return Monday

morning?

A. Yes.

THE COMMISSIONER: We'll now adjourn until Monday morning, 10 o'clock.

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Thank you.

-- Proceedings adjourned until Monday, April 10, 1989.

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